



CITY COUNCIL
Regular Meeting – January 28, 2019 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Curran
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. December 10, 2018 Regular Meeting
 - B. January 7, 2019 Work Session
- VI. ORDINANCES, RESOLUTIONS AND PUDS
 - A. ***Street Levy Options: (Only One Will Be Placed On Ballot)***
 - 1. Resolution 19-10 Placement of a 2 Mills Renewal Street Levy on the May 7, 2019 Ballot (Continuous)
 - 2. Resolution 19-11 Placement of a 2 Mills Renewal Street Levy on the May 7, 2019 Ballot (Five Year)
 - B. ***Park Levy Options: (Only One Will Be Placed On Ballot)***
 - 1. Resolution 19-12 Placement of a .9 Mills Renewal Plus .3 Mills Increase Park Levy on the May 7, 2019 Ballot (Continuous)
 - 2. Resolution 19-14 Placement of a .9 Mills Renewal Plus .2 Mills Increase Park Levy on the May 7, 2019 Ballot (Continuous)
 - 3. Resolution 19-15 Placement of a .9 Mills Renewal Park Levy on the May 7, 2019 Ballot (Continuous)
 - 4. Resolution 19-16 Placement of a .9 Mills Renewal Plus .3 Mills Increase Park Levy on the May 7, 2019 Ballot (Five Years)
 - 5. Resolution 19-17 Placement of a .9 Mills Renewal Plus .2 Mills Increase Park Levy on the May 7, 2019 Ballot (Five Years)
 - 6. Resolution 19-18 Placement of a .9 Mills Renewal Park Levy on the May 7, 2019 Ballot (Five Years)
 - C. Resolution 19-20 Authorize Agreement with Enterprise Pipeline for Shakertown Extension
 - D. Resolution 19-19 Update City's Purchasing and Credit Card Program Policy
 - E. Ordinance 19-01 Amending the 2019 Annual Appropriations (Single Reading)
- VII. LIQUOR PERMIT
 - A. Flyby LLC DBA Flyby BBQ (New)
- VIII. COUNCIL TIME
- IX. MAYOR'S REPORT
- X. CITY MANAGER'S REPORT
- XI. CITIZEN COMMENTS
- XII. ADJOURNMENT

BEAVERCREEK CITY COUNCIL
REGULAR MEETING December 10, 2018 6:00 p.m.

PRESENTATIONS

- ◆ 2018 Greene County Grant Program, presented by Greene County Commissioners Tom Koogler, Alan Anderson and Bob Glaser, and Brandon Huddleson, County Administrator

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Curran, Council Member Rushing, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: Council Member Litteral, Council Member Upton

ALSO IN ATTENDANCE: Amy Blankenship, Legal Counsel; Dennis Evers, Chief of Police; Jeff McGrath, Planning & Development Director; Pete Landrum, City Manager; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Mike Thonnerieux, Public Administrative Services Director

Council Member Rushing MOVED to excuse Council Member Litteral and Council Member Upton, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

PLEDGE

Mayor Stone led the pledge and a moment of silence.

APPROVAL OF AGENDA

Council Member Curran MOVED to approve the agenda, seconded by Council Member Vann. Motion PASSED by majority voice vote.

APPROVAL OF MINUTES

Vice Mayor Garcia MOVED to approve the November 12, 2018 Regular Meeting Minutes, seconded by Council Member Vann. Motion PASSED by majority voice vote.

Council Member Curran MOVED to approve the November 19, 2018 Budget Work Session Minutes, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Vice Mayor Garcia MOVED to approve the November 26, 2018 Regular Meeting Minutes, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

STATE OF THE CITY/BUDGET MESSAGE (City Manager)

December 10, 2018

Mr. Landrum presented the State of the City/Budget Message. He explained the State of the City address is provided annually to update citizens on current fiscal accountability and operational and capital accomplishments of the city and to present the upcoming municipal budget and future plans for city improvements to maintain or enhance infrastructure and service delivery. (State of the City document attached to back of minutes.)

ORDINANCES, RESOLUTION AND PUDS

Resolution 18-49 Accepting the 2019 Budget

Clerk Miscisin read a Resolution accepting the 2019 City Budget as presented by the City Manager.

Council Member Curran MOVED to approve Resolution 18-49, seconded by Council Member Rushing. Motion PASSED by a roll call vote of 5-0.

Ordinance 18-28 Annual Appropriations (Single Reading)

Clerk Miscisin read an Ordinance approving the annual appropriations for the City of Beavercreek, State of Ohio, for the fiscal year beginning January 1, 2019 and ending December 31, 2019 and authorizing the transfer of monies.

Council Member Vann MOVED to approve Ordinance 18-28, seconded by Vice Mayor Garcia. Motion PASSED by a roll call vote of 5-0.

Resolution 18-50 Wage Adjustments

Clerk Miscisin read a Resolution adopting pay schedules for non-union full time classified and non-classified positions and part time, seasonal and intermittent positions.

Ms. Bissinger explained the Resolution provides for Council to set and approve the 2019 Pay Schedules for non-union full time positions and part-time, seasonal and intermittent positions. She said Ohio's minimum wage would be adjusted effective January 1, 2019 which reflects an increase in the Consumer Price Index. The minimum wage would increase from \$8.30 to \$8.55 for non-tipped employees and from \$4.15 to \$4.30 for tipped employees. Minor adjustments had been made to Grade 902 and Grades 607 through 619 to reduce compression between grades. The adjustments recommended have been reflected in the 2019 budget that was adopted as part of Resolution 18-49 accepting the 2019 budget. Pay schedules are proposed to become effective with adoption of a resolution by Council establishing the pay schedules effective January 1, 2019. It was staff's recommendation approve the resolution.

December 10, 2018

Council Member Curran MOVED to approve Resolution 18-50, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Resolution 17-38 City Manager and Clerk of Council Wage Adjustment
Clerk Miscisin read a Resolution to set and approve the 2019 wage for City Manager and Clerk of Council.

Ms. Bissinger said Council had conducted performance reviews for the City Manager and Clerk of Council and therefore recommends approval of the resolution.

Mayor Stone said Vice Mayor Garcia facilitated the evaluations and were on file in the human resource office.

Vice Mayor Garcia MOVED to approve Resolution 18-51, seconded by Council Member Vann. Motion PASSED by majority voice vote.

Ordinance 18-27 PUD 18-4 Indian Ripple/Harbert Rezoning (Second Reading)
Clerk Miscisin read an Ordinance rezoning 4.6 acres from C-PUD 96-4 to C-PUD 18-4, further described as Book 3, Page 19, Parcels 95, 97, 98 and 105 on the Greene County Property Tax Atlas.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

LIQUOR PERMITS

Bravo Brio Restaurant Group Inc., DBA Bravo Cucina Italiana (Stock)

Chief Evers said the Ohio Division of Liquor Control sent notification of a request regarding a change of corporate stock on a D5I and D6 liquor permit for Bravo Brio Restaurant Group, DBA Bravo Cucina Italiana, 2731 Fairfield Commons, Space R2D, Beavercreek, Ohio 45431. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/shareholders for this application request. Staff is recommending this application request move forward with no comment.

Vice Mayor Garcia MOVED to accept without comment, seconded by Council Member Curran. Motion PASSED by majority voice vote.

Bravo Brio Restaurant Group Inc., DBA Brio Tuscan Grille (Stock)

Chief Evers said the Ohio Division of Liquor Control sent notification of a request regarding a change of corporate stock on a D5J and D6 liquor permit for Bravo

December 10, 2018

Brio Restaurant Group, DBA Brio Tuscan Grille, 4459 Cedar Park Dr., Beavercreek, Ohio 45440. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/shareholders for this application request. Staff is recommending this application request move forward with no comment.

Vice Mayor Garcia MOVED to accept without comment, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

MAYOR'S REPORT

Mayor Stone said he was in Columbus for Ohio Mayor's Alliance quarterly meeting last Thursday. He said the governor elect and lieutenant governor elect were both in attendance. He said the county officials to office at the high school earlier today. He wished a safe and joyous holiday season.

COUNCIL TIME

Council Member Rushing congratulated Council Member Curran who took his oath last Thursday. He said Merry Christmas and happy holidays.

Council Member Vann said there were two developments adjacent to Beavercreek that she had been receiving phone calls about. She said they needed to be diligent and make sure the traffic plans meets the needs of the development and not cause harm.

Council Member Curran attended the Christmas Brunch which had over 300 in attendance. He said happy holidays to Council and the staff.

Council Member Vann extended from council best greetings for a happy labor day for Vice Mayor Garcia who was due in three weeks.

Vice Mayor Garcia thanked Council for participating in the annual evaluations of the City Manager and Clerk of Council. She wished everyone a great holiday season.

CITIZEN COMMENTS

There being no comments, Citizen Comments was closed.

EXECUTIVE SESSION

Council Member Curran MOVED to enter into Executive Session at 7:35 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of the employment of a public employee, seconded by Vice Mayor Garcia. Motion PASSED by roll call vote of 5-0.

December 10, 2018

Council Member Vann MOVED to adjourn executive session at 7:58 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Council Member Curran MOVED to reconvene the meeting, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Council Member Curran MOVED to amend the agenda by adding Resolution 18-52, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Resolution 18-52

Clerk Miscisin read a Resolution approving a separation agreement with the Communications Workers of America Local 4322 and Clint Kadel and authorizing the City Manager to take all steps necessary to finalize and enforce the agreement.

Council Member Curran MOVED to approve Resolution 18-52, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

ADJOURNMENT

Vice Mayor Garcia MOVED to adjourn the meeting at 8:01 p.m., seconded by Council Member Rushing. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin112618

BEAVERCREEK CITY COUNCIL
COUNCIL WORK SESSION, January 7, 2019, 5:00 p.m.

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Curran, Council Member Litteral, Council Member Upton, Council Member Vann, Mayor Stone

ABSENT: Council Member Rushing, Vice Mayor Garcia

Council Member Litteral MOVED to excuse Council Member Upton, Council Member Rushing and Vice Mayor Garcia, seconded by Council Member Curran. Motion PASSED by majority voice vote.

APPROVAL OF AGENDA

Council Member Curran MOVED to amend the agenda by adding agenda item IV. C. Meeting Procedure in Absence of Mayor and Vice Mayor, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Curran MOVED to approve the agenda as amended, seconded by Council Member Vann. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Amy Blankenship, Legal Counsel; Kim Farrell, Recreation Superintendent; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Dianne Miscisin, Clerk of Council; Mike Thonnerieux, Public Administrative Services Director; Zack Wike, Assistant Superintendent-Parks

DISCUSSION ITEMS

Street Levy

Mr. Thonnerieux passed out a hand-out with information regarding the levy. He reviewed what this capital levy has allowed the city to improve.

Council Member Upton arrived at 5:04 p.m.

He said they would like to place this levy on the May ballot as a continuous 2 mill renewal levy. There was discussion regarding the usage for the funds and the idea of a continuous versus a termed levy. He reviewed the proposed levy options. Council discussed the options.

Park Levy

Mr. Thonnerieux passed out a hand-out with information regarding the park levy. He reviewed what this levy has accomplished. There was discussion regarding separating operations and capital improvements into two separate levies. Council discussed the

January 7, 2019

idea of continuous versus a termed levy. Council asked for multiple certification from the county auditor which would be voted on at the next Regular meeting.

Procedure in Absence of Mayor and Vice Mayor

There was a review of the procedures to appoint a council member to preside over meetings in the absence of the mayor and vice mayor.

ADJOURNMENT

Council Member Litteral MOVED to adjourn the meeting at 5:58 p.m., seconded by Council Member Curran. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin010719WorkSession

CITY OF BEAVERCREEK, OHIO

RESOLUTION NO. 19-10

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF
JANUARY, 2019.

RESOLUTION TO PROCEED TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(G) AS AMENDED, OF THE OHIO REVISED CODE, FOR CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS, AND BRIDGES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE TWO (2) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF TWO (2) MILLS TO RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

WHEREAS, this Council has heretofore determined the necessity of levying a renewal tax in excess of the ten-mill limitation for the benefit of this City pursuant to the provisions of section 5705.19 of the Ohio Revised Code for constructing, reconstructing, resurfacing, and repairing streets, roads, and bridges as authorized by the Ohio Revised Code.

TWO-THIRDS OF ALL MEMBERS OF COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, CONCUR AND HEREBY RESOLVE THAT:

- SECTION I: Council has received certification issued by the County Auditor for Greene County, Ohio, pursuant to section 5705.03, as amended, of the Ohio Revised Code.
- SECTION II: The amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the City of Beavercreek.
- SECTION III: It is necessary to levy a renewal tax in excess of said ten-mill limitation, as stated in section 5705.19(G), as amended, of the Ohio Revised Code, for constructing, reconstructing, resurfacing, and repairing streets, roads, and bridges, upon the entire territory of the City of Beavercreek, at a rate not exceeding Two (2) Mills for each One Dollar (\$1.00) of valuation, which amounts to Twenty Cents (\$0.20) for each One Hundred Dollars (\$100.00) of valuation, for a continuing period of time.
- SECTION IV: The City of Beavercreek will proceed with the submission of the question of the tax to the electors. Said levy shall be submitted to the electors of this City at the Special Election to be held on Tuesday, May 7, 2019, and at the

regular place or places of voting within this City as established by the Board of Elections of Greene County, Ohio during the election hours established by state law or by said Board of Elections. This ballot measure shall be submitted to voters in the entire territory of the City of Beavercreek and the entire territory of the City of Beavercreek is located within Greene County, Ohio.

SECTION V: The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED RENEWAL TAX LEVY

CITY OF BEAVERCREEK, OHIO

A majority affirmative vote is necessary for passage

A renewal tax for the benefit of the City of Beavercreek, Ohio, as stated in section 5705.19(G), as amended, of the Ohio Revised Code, for constructing reconstructing, resurfacing, and repairing streets, roads, and bridges at a rate not exceeding Two (2) Mills for each One Dollar (\$1.00) of valuation, which amounts to Twenty Cents (\$0.20) for each One Hundred Dollars (\$100.00) of valuation, said proposed rate is a renewal of the existing levy of Two (2) Mills for a continuing period of time, beginning in the year 2019 and first due in calendar year 2020.

	FOR THE TAX
	AGAINST THE TAX

SECTION VI: Said levy shall be placed upon the tax list and duplicate of the then current year of 2019 (the proceeds of which levy first would be available for collection in the calendar year of 2020), if a majority of the qualified electors of this City voting thereon vote in favor thereof.

SECTION VII: The Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Greene County, Ohio, not later than four o'clock (4:00) pm on the ninetieth (90th) day before the date of said election and to notify said Board of Elections of Greene County, Ohio, to cause notice of the election on the question of levying said tax to be given as required by law.

SECTION VIII: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were

in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IX: Pursuant to Section 5705.19, as amended, of the Revised Code, this Resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

PASSED this 28th day of January, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY BEAVERCREEK CITY COUNCIL IS TO PROCEED TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(G) AS AMENDED, OF THE OHIO REVISED CODE, FOR CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS, AND BRIDGES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE TWO (2) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF TWO (2) MILLS TO RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

CITY OF BEAVERCREEK, OHIO

RESOLUTION NO. 19-11

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF
JANUARY, 2019.

RESOLUTION TO PROCEED TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(G) AS AMENDED, OF THE OHIO REVISED CODE, FOR CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS, AND BRIDGES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE TWO (2) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF TWO (2) MILLS TO RUN FOR FIVE (5) YEARS, AND DECLARING THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

WHEREAS, this Council has heretofore determined the necessity of levying a renewal tax in excess of the ten-mill limitation for the benefit of this City pursuant to the provisions of section 5705.19 of the Ohio Revised Code for constructing, reconstructing, resurfacing, and repairing streets, roads, and bridges as authorized by the Ohio Revised Code.

TWO-THIRDS OF ALL MEMBERS OF COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, CONCUR AND HEREBY RESOLVE THAT:

- SECTION I: Council has received certification issued by the County Auditor for Greene County, Ohio, pursuant to section 5705.03, as amended, of the Ohio Revised Code.
- SECTION II: The amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the City of Beavercreek.
- SECTION III: It is necessary to levy a renewal tax in excess of said ten-mill limitation, as stated in section 5705.19(G), as amended, of the Ohio Revised Code, for constructing, reconstructing, resurfacing, and repairing streets, roads, and bridges, upon the entire territory of the City of Beavercreek, at a rate not exceeding Two (2) Mills for each One Dollar (\$1.00) of valuation, which amounts to Twenty Cents (\$0.20) for each One Hundred Dollars (\$100.00) of valuation, for a five (5) year period of time.
- SECTION IV: The City of Beavercreek will proceed with the submission of the question of the tax to the electors. Said levy shall be submitted to the electors of this City at the Special Election to be held on Tuesday, May 7, 2019, and at the

regular place or places of voting within this City as established by the Board of Elections of Greene County, Ohio during the election hours established by state law or by said Board of Elections. This ballot measure shall be submitted to voters in the entire territory of the City of Beavercreek and the entire territory of the City of Beavercreek is located within Greene County, Ohio.

SECTION V: The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED RENEWAL TAX LEVY

CITY OF BEAVERCREEK, OHIO

A majority affirmative vote is necessary for passage

A renewal tax for the benefit of the City of Beavercreek, Ohio, as stated in section 5705.19(G), as amended, of the Ohio Revised Code, for constructing reconstructing, resurfacing, and repairing streets, roads, and bridges at a rate not exceeding Two (2) Mills for each One Dollar (\$1.00) of valuation, which amounts to Twenty Cents (\$0.20) for each One Hundred Dollars (\$100.00) of valuation, said proposed rate is a renewal of the existing levy of Two (2) Mills for a five (5) year period of time, beginning in the year 2019 and first due in calendar year 2020.

	FOR THE TAX
	AGAINST THE TAX

SECTION VI: Said levy shall be placed upon the tax list and duplicate of the then current year of 2019 (the proceeds of which levy first would be available for collection in the calendar year of 2020), if a majority of the qualified electors of this City voting thereon vote in favor thereof.

SECTION VII: The Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Greene County, Ohio, not later than four o'clock (4:00) pm on the ninetieth (90th) day before the date of said election and to notify said Board of Elections of Greene County, Ohio, to cause notice of the election on the question of levying said tax to be given as required by law.

SECTION VIII: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

Agenda Item VI. A. 2.
Streets 2 Mill 5 year

SECTION IX: Pursuant to Section 5705.19, as amended, of the Revised Code, this Resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

PASSED this 28th day of January, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY BEAVERCREEK CITY COUNCIL IS TO PROCEED TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(G) AS AMENDED, OF THE OHIO REVISED CODE, FOR CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS, AND BRIDGES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE TWO (2) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF TWO (2) MILLS TO RUN FOR A FIVE (5) YEAR PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

CITY OF BEAVERCREEK, OHIO

RESOLUTION NO. 19-12

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF
JANUARY, 2019.

RESOLUTION TO PROCEED TO LEVY A RENEWAL TAX PLUS INCREASE IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE ONE AND TWO TENTHS (1.2) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS PLUS AN INCREASE OF THREE TENTHS (0.3) MILLS TO RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL PLUS INCREASE TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

WHEREAS, this Council has heretofore determined the necessity of levying a renewal tax plus increase in excess of the ten-mill limitation for the benefit of this City pursuant to the provisions of section 5705.19 of the Ohio Revised Code for parks and recreational purposes as authorized by the Ohio Revised Code.

TWO-THIRDS OF ALL MEMBERS OF COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, CONCUR AND HEREBY RESOLVE THAT:

SECTION I: Council has received certification issued by the County Auditor for Greene County, Ohio, pursuant to section 5705.03, as amended, of the Ohio Revised Code.

SECTION II: The amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the City of Beavercreek.

SECTION III: It is necessary to levy a renewal tax plus increase in excess of said ten-mill limitation, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, upon the entire territory of the City of Beavercreek, at a rate not exceeding One and Two Tenths (1.2) Mills for each One Dollar (\$1.00) of valuation, which amounts to Twelve Cents (\$0.12) for each One Hundred Dollars (\$100.00) of valuation, for a continuing period of time.

SECTION IV: The City of Beavercreek will proceed with the submission of the question of the tax to the electors. Said levy shall be submitted to the electors of this

Agenda Item VI. B. 1.
Parks .9 plus .3 increase continuous

City at the Special Election to be held on Tuesday, May 7, 2019, and at the regular place or places of voting within this City as established by the Board of Elections of Greene County, Ohio during the election hours established by state law or by said Board of Elections. This ballot measure shall be submitted to voters in the entire territory of the City of Beavercreek and the entire territory of the City of Beavercreek is located within Greene County, Ohio.

SECTION V: The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED RENEWAL PLUS INCREASE TAX LEVY

CITY OF BEAVERCREEK, OHIO

A majority affirmative vote is necessary for passage

A renewal tax plus increase for the benefit of the City of Beavercreek, Ohio, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, at a rate not exceeding One and Two Tenths (1.2) Mills for each One Dollar (\$1.00) of valuation, which amounts to Twelve Cents (\$0.12) for each One Hundred Dollars (\$100.00) of valuation, said proposed rate is a renewal of the existing levy of Nine Tenths (0.9) Mills plus an increase of Three Tenths (0.3) Mills for a continuing period of time, beginning in the year 2019 and first due in calendar year 2020.

	FOR THE TAX
	AGAINST THE TAX

SECTION VI: Said levy shall be placed upon the tax list and duplicate of the then current year of 2019 (the proceeds of which levy first would be available for collection in the calendar year of 2020), if a majority of the qualified electors of this City voting thereon vote in favor thereof.

SECTION VII: The Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Greene County, Ohio, not later than four o'clock (4:00) pm on the ninetieth (90th) day before the date of said election and to notify said Board of Elections of Greene County, Ohio, to cause notice of the election on the question of levying said tax to be given as required by law.

SECTION VIII: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were

Agenda Item VI. B. 1.
Parks .9 plus .3 increase continuous

in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IX: Pursuant to Section 5705.19, as amended, of the Revised Code, this Resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

PASSED this 28th day of January, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, City of Beavercreek

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY BEAVERCREEK CITY COUNCIL IS TO PROCEED TO LEVY A RENEWAL TAX PLUS INCREASE IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE ONE AND TWO TENTHS (1.2) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS PLUS AN INCREASE OF THREE TENTHS (0.3) MILLS TO RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL PLUS INCREASE TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

CITY OF BEAVERCREEK, OHIO

RESOLUTION NO. 19-14

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF JANUARY, 2019.

RESOLUTION TO PROCEED TO LEVY A RENEWAL TAX PLUS INCREASE IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE ONE AND ONE TENTH (1.1) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS PLUS AN INCREASE OF TWO TENTHS (0.2) MILLS TO RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL PLUS INCREASE TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

WHEREAS, this Council has heretofore determined the necessity of levying a renewal tax plus increase in excess of the ten-mill limitation for the benefit of this City pursuant to the provisions of section 5705.19 of the Ohio Revised Code for parks and recreational purposes as authorized by the Ohio Revised Code.

TWO-THIRDS OF ALL MEMBERS OF COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, CONCUR AND HEREBY RESOLVE THAT:

- SECTION I: Council has received certification issued by the County Auditor for Greene County, Ohio, pursuant to section 5705.03, as amended, of the Ohio Revised Code.
- SECTION II: The amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the City of Beaver creek.
- SECTION III: It is necessary to levy a renewal tax plus increase in excess of said ten-mill limitation, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, upon the entire territory of the City of Beaver creek, at a rate not exceeding One and One Tenth (1.1) Mills for each One Dollar (\$1.00) of valuation, which amounts to Eleven Cents (\$0.11) for each One Hundred Dollars (\$100.00) of valuation, for a continuing period of time.
- SECTION IV: The City of Beaver creek will proceed with the submission of the question of the tax to the electors. Said levy shall be submitted to the electors of this

Agenda Item VI. B. 2.
Parks .9 renewal plus .2 increase continuous

City at the Special Election to be held on Tuesday, May 7, 2019, and at the regular place or places of voting within this City as established by the Board of Elections of Greene County, Ohio during the election hours established by state law or by said Board of Elections. This ballot measure shall be submitted to voters in the entire territory of the City of Beavercreek and the entire territory of the City of Beavercreek is located within Greene County, Ohio.

SECTION V: The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED RENEWAL PLUS INCREASE TAX LEVY

CITY OF BEAVERCREEK, OHIO

A majority affirmative vote is necessary for passage

A renewal tax plus increase for the benefit of the City of Beavercreek, Ohio, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, at a rate not exceeding One and One Tenth (1.1) Mills for each One Dollar (\$1.00) of valuation, which amounts to Eleven Cents (\$0.11) for each One Hundred Dollars (\$100.00) of valuation, said proposed rate is a renewal of the existing levy of Nine Tenths (0.9) Mills plus an increase of Two Tenths (0.2) Mills for a continuing period of time, beginning in the year 2019 and first due in calendar year 2020.

	FOR THE TAX
	AGAINST THE TAX

SECTION VI: Said levy shall be placed upon the tax list and duplicate of the then current year of 2019 (the proceeds of which levy first would be available for collection in the calendar year of 2020), if a majority of the qualified electors of this City voting thereon vote in favor thereof.

SECTION VII: The Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Greene County, Ohio, not later than four o'clock (4:00) pm on the ninetieth (90th) day before the date of said election and to notify said Board of Elections of Greene County, Ohio, to cause notice of the election on the question of levying said tax to be given as required by law.

SECTION VIII: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were

Agenda Item VI. B. 2.
Parks .9 renewal plus .2 increase continuous

in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IX: Pursuant to Section 5705.19, as amended, of the Revised Code, this Resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

PASSED this 28th day of January, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY BEAVERCREEK CITY COUNCIL IS TO PROCEED TO LEVY A RENEWAL TAX PLUS INCREASE IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE ONE AND ONE TENTH (1.1) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS PLUS AN INCREASE OF TWO TENTHS (0.2) MILLS TO RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

CITY OF BEAVERCREEK, OHIO

RESOLUTION NO. 19-15

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF JANUARY, 2019.

RESOLUTION TO PROCEED TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE NINE TENTHS (0.9) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS TO RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

WHEREAS, this Council has heretofore determined the necessity of levying a renewal tax in excess of the ten-mill limitation for the benefit of this City pursuant to the provisions of section 5705.19 of the Ohio Revised Code for parks and recreational purposes as authorized by the Ohio Revised Code.

TWO-THIRDS OF ALL MEMBERS OF COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, CONCUR AND HEREBY RESOLVE THAT:

- SECTION I: Council has received certification issued by the County Auditor for Greene County, Ohio, pursuant to section 5705.03, as amended, of the Ohio Revised Code.
- SECTION II: The amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the City of Beaver Creek.
- SECTION III: It is necessary to levy a renewal tax in excess of said ten-mill limitation, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, upon the entire territory of the City of Beaver Creek, at a rate not exceeding Nine Tenths (0.9) Mills for each One Dollar (\$1.00) of valuation, which amounts to Nine Cents (\$0.09) for each One Hundred Dollars (\$100.00) of valuation, for a continuing period of time.
- SECTION IV: The City of Beaver Creek will proceed with the submission of the question of the tax to the electors. Said levy shall be submitted to the electors of this City at the Special Election to be held on Tuesday, May 7, 2019, and at the regular place or places of voting within this City as established by the Board

of Elections of Greene County, Ohio during the election hours established by state law or by said Board of Elections. This ballot measure shall be submitted to voters in the entire territory of the City of Beavercreek and the entire territory of the City of Beavercreek is located within Greene County, Ohio.

SECTION V: The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED RENEWAL TAX LEVY

CITY OF BEAVERCREEK, OHIO

A majority affirmative vote is necessary for passage

A renewal tax for the benefit of the City of Beavercreek, Ohio, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, at a rate not exceeding Nine Tenths (0.9) Mills for each One Dollar (\$1.00) of valuation, which amounts to Nine Cents (\$0.09) for each One Hundred Dollars (\$100.00) of valuation, said proposed rate is a renewal of the existing levy of Nine Tenths (0.9) Mills for a continuing period of time, beginning in the year 2019 and first due in calendar year 2020.

	FOR THE TAX
	AGAINST THE TAX

SECTION VI: Said levy shall be placed upon the tax list and duplicate of the then current year of 2019 (the proceeds of which levy first would be available for collection in the calendar year of 2020), if a majority of the qualified electors of this City voting thereon vote in favor thereof.

SECTION VII: The Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Greene County, Ohio, not later than four o'clock (4:00) pm on the ninetieth (90th) day before the date of said election and to notify said Board of Elections of Greene County, Ohio, to cause notice of the election on the question of levying said tax to be given as required by law.

SECTION VIII: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

Agenda Item VI. B. 3.
Parks .9 no increase continuing

SECTION IX: Pursuant to Section 5705.19, as amended, of the Revised Code, this Resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

PASSED this 28th day of January, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY BEAVERCREEK CITY COUNCIL IS TO PROCEED TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE NINE TENTHS (0.9) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS TO RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

CITY OF BEAVERCREEK, OHIO

RESOLUTION NO. 19-16

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF JANUARY, 2019.

RESOLUTION TO PROCEED TO LEVY A RENEWAL TAX PLUS INCREASE IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE ONE AND TWO TENTHS (1.2) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS PLUS AN INCREASE OF THREE TENTHS (0.3) MILLS TO RUN FOR FIVE (5) YEARS, AND DECLARING THE QUESTION OF THE RENEWAL PLUS INCREASE TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

WHEREAS, this Council has heretofore determined the necessity of levying a renewal tax plus increase in excess of the ten-mill limitation for the benefit of this City pursuant to the provisions of section 5705.19 of the Ohio Revised Code for parks and recreational purposes as authorized by the Ohio Revised Code.

TWO-THIRDS OF ALL MEMBERS OF COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, CONCUR AND HEREBY RESOLVE THAT:

- SECTION I: Council has received certification issued by the County Auditor for Greene County, Ohio, pursuant to section 5705.03, as amended, of the Ohio Revised Code.
- SECTION II: The amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the City of Beaver creek.
- SECTION III: It is necessary to levy a renewal tax plus increase in excess of said ten-mill limitation, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, upon the entire territory of the City of Beaver creek, at a rate not exceeding One and Two Tenths (1.2) Mills for each One Dollar (\$1.00) of valuation, which amounts to Twelve Cents (\$0.12) for each One Hundred Dollars (\$100.00) of valuation, for a five (5) year period of time.
- SECTION IV: The City of Beaver creek will proceed with the submission of the question of the tax to the electors. Said levy shall be submitted to the electors of this

City at the Special Election to be held on Tuesday, May 7, 2019, and at the regular place or places of voting within this City as established by the Board of Elections of Greene County, Ohio during the election hours established by state law or by said Board of Elections. This ballot measure shall be submitted to voters in the entire territory of the City of Beavercreek and the entire territory of the City of Beavercreek is located within Greene County, Ohio.

SECTION V: The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED RENEWAL PLUS INCREASE TAX LEVY

CITY OF BEAVERCREEK, OHIO

A majority affirmative vote is necessary for passage

A renewal tax plus increase for the benefit of the City of Beavercreek, Ohio, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, at a rate not exceeding One and Two Tenths (1.2) Mills for each One Dollar (\$1.00) of valuation, which amounts to Twelve Cents (\$0.12) for each One Hundred Dollars (\$100.00) of valuation, said proposed rate is a renewal of the existing levy of Nine Tenths (0.9) Mills plus an increase of Three Tenths (0.3) Mills for a five (5) year period of time, beginning in the year 2019 and first due in calendar year 2020.

	FOR THE TAX
	AGAINST THE TAX

SECTION VI: Said levy shall be placed upon the tax list and duplicate of the then current year of 2019 (the proceeds of which levy first would be available for collection in the calendar year of 2020), if a majority of the qualified electors of this City voting thereon vote in favor thereof.

SECTION VII: The Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Greene County, Ohio, not later than four o'clock (4:00) pm on the ninetieth (90th) day before the date of said election and to notify said Board of Elections of Greene County, Ohio, to cause notice of the election on the question of levying said tax to be given as required by law.

SECTION VIII: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were

Agenda Item VI. B. 4.
Parks .9 plus .3 for 5 years

in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IX: Pursuant to Section 5705.19, as amended, of the Revised Code, this Resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

PASSED this 28th day of January, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY BEAVERCREEK CITY COUNCIL IS TO PROCEED TO LEVY A RENEWAL TAX PLUS INCREASE IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE ONE AND TWO TENTHS (1.2) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS PLUS AN INCREASE OF THREE TENTHS (0.3) MILLS TO RUN FOR A FIVE (5) YEAR PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL PLUS INCREASE TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

CITY OF BEAVERCREEK, OHIO

RESOLUTION NO. 19-17

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF
JANUARY, 2019.

RESOLUTION TO PROCEED TO LEVY A RENEWAL TAX PLUS INCREASE IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE ONE AND ONE TENTH (1.1) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS PLUS AN INCREASE OF TWO TENTHS (0.2) MILLS TO RUN FOR FIVE (5) YEARS, AND DECLARING THE QUESTION OF THE RENEWAL PLUS INCREASE TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

WHEREAS, this Council has heretofore determined the necessity of levying a renewal tax plus increase in excess of the ten-mill limitation for the benefit of this City pursuant to the provisions of section 5705.19 of the Ohio Revised Code for parks and recreational purposes as authorized by the Ohio Revised Code.

TWO-THIRDS OF ALL MEMBERS OF COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, CONCUR AND HEREBY RESOLVE THAT:

- SECTION I: Council has received certification issued by the County Auditor for Greene County, Ohio, pursuant to section 5705.03, as amended, of the Ohio Revised Code.
- SECTION II: The amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the City of Beaver creek.
- SECTION III: It is necessary to levy a renewal tax plus increase in excess of said ten-mill limitation, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, upon the entire territory of the City of Beaver creek, at a rate not exceeding One and One Tenth (1.1) Mills for each One Dollar (\$1.00) of valuation, which amounts to Eleven Cents (\$0.11) for each One Hundred Dollars (\$100.00) of valuation, for a five (5) year period of time.
- SECTION IV: The City of Beaver creek will proceed with the submission of the question of the tax to the electors. Said levy shall be submitted to the electors of this City at the Special Election to be held on Tuesday, May 7, 2019, and at the

regular place or places of voting within this City as established by the Board of Elections of Greene County, Ohio during the election hours established by state law or by said Board of Elections. This ballot measure shall be submitted to voters in the entire territory of the City of Beavercreek and the entire territory of the City of Beavercreek is located within Greene County, Ohio.

SECTION V: The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED RENEWAL PLUS INCREASE TAX LEVY

CITY OF BEAVERCREEK, OHIO

A majority affirmative vote is necessary for passage

A renewal tax plus increase for the benefit of the City of Beavercreek, Ohio, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, at a rate not exceeding One and One Tenth (1.1) Mills for each One Dollar (\$1.00) of valuation, which amounts to Eleven Cents (\$0.11) for each One Hundred Dollars (\$100.00) of valuation, said proposed rate is a renewal of the existing levy of Nine Tenths (0.9) Mills plus an increase of Two Tenths (0.2) Mills for a five (5) year period of time, beginning in the year 2019 and first due in calendar year 2020.

	FOR THE TAX
	AGAINST THE TAX

SECTION VI: Said levy shall be placed upon the tax list and duplicate of the then current year of 2019 (the proceeds of which levy first would be available for collection in the calendar year of 2020), if a majority of the qualified electors of this City voting thereon vote in favor thereof.

SECTION VII: The Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Greene County, Ohio, not later than four o'clock (4:00) pm on the ninetieth (90th) day before the date of said election and to notify said Board of Elections of Greene County, Ohio, to cause notice of the election on the question of levying said tax to be given as required by law.

SECTION VIII: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were

Agenda Item VI. B. 5.
Parks .9 plus .2 for 5 years

in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IX: Pursuant to Section 5705.19, as amended, of the Revised Code, this Resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

PASSED this 28th day of January, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY BEAVERCREEK CITY COUNCIL IS TO PROCEED TO LEVY A RENEWAL TAX PLUS INCREASE IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE ONE AND ONE TENTH (1.1) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS PLUS AN INCREASE OF TWO TENTHS (0.2) MILLS TO RUN FOR A FIVE (5) YEAR PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

CITY OF BEAVERCREEK, OHIO

RESOLUTION NO. 19-18

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF JANUARY, 2019.

RESOLUTION TO PROCEED TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE NINE TENTHS (0.9) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS TO RUN FOR FIVE (5) YEARS, AND DECLARING THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

WHEREAS, this Council has heretofore determined the necessity of levying a renewal tax in excess of the ten-mill limitation for the benefit of this City pursuant to the provisions of section 5705.19 of the Ohio Revised Code for parks and recreational purposes as authorized by the Ohio Revised Code.

TWO-THIRDS OF ALL MEMBERS OF COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, CONCUR AND HEREBY RESOLVE THAT:

- SECTION I: Council has received certification issued by the County Auditor for Greene County, Ohio, pursuant to section 5705.03, as amended, of the Ohio Revised Code.
- SECTION II: The amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the City of Beavercreek.
- SECTION III: It is necessary to levy a renewal tax in excess of said ten-mill limitation, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, upon the entire territory of the City of Beavercreek, at a rate not exceeding Nine Tenths (0.9) Mills for each One Dollar (\$1.00) of valuation, which amounts to Nine Cents (\$0.09) for each One Hundred Dollars (\$100.00) of valuation, for a five (5) year period of time.
- SECTION IV: The City of Beavercreek will proceed with the submission of the question of the tax to the electors. Said levy shall be submitted to the electors of this City at the Special Election to be held on Tuesday, May 7, 2019, and at the regular place or places of voting within this City as established by the Board

of Elections of Greene County, Ohio during the election hours established by state law or by said Board of Elections. This ballot measure shall be submitted to voters in the entire territory of the City of Beavercreek and the entire territory of the City of Beavercreek is located within Greene County, Ohio.

SECTION V: The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED RENEWAL TAX LEVY

CITY OF BEAVERCREEK, OHIO

A majority affirmative vote is necessary for passage

A renewal tax for the benefit of the City of Beavercreek, Ohio, as stated in section 5705.19(H), as amended, of the Ohio Revised Code, for parks and recreational purposes, at a rate not exceeding Nine Tenths (0.9) Mills for each One Dollar (\$1.00) of valuation, which amounts to Nine Cents (\$0.09) for each One Hundred Dollars (\$100.00) of valuation, said proposed rate is a renewal of the existing levy of Nine Tenths (0.9) Mills for a five (5) year period of time, beginning in the year 2019 and first due in calendar year 2020.

	FOR THE TAX
	AGAINST THE TAX

SECTION VI: Said levy shall be placed upon the tax list and duplicate of the then current year of 2019 (the proceeds of which levy first would be available for collection in the calendar year of 2020), if a majority of the qualified electors of this City voting thereon vote in favor thereof.

SECTION VII: The Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Greene County, Ohio, not later than four o'clock (4:00) pm on the ninetieth (90th) day before the date of said election and to notify said Board of Elections of Greene County, Ohio, to cause notice of the election on the question of levying said tax to be given as required by law.

SECTION VIII: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

Agenda Item VI. B. 6
Parks .9 no increase 5 years

SECTION IX: Pursuant to Section 5705.19, as amended, of the Revised Code, this Resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

PASSED this 28th day of January, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY BEAVERCREEK CITY COUNCIL IS TO PROCEED TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(H) AS AMENDED, OF THE OHIO REVISED CODE, FOR PARKS AND RECREATIONAL PURPOSES AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE NINE TENTHS (0.9) MILLS WHICH IS A RENEWAL OF AN EXISTING LEVY OF NINE TENTHS (0.9) MILLS TO RUN FOR A FIVE (5) YEAR PERIOD OF TIME, AND DECLARING THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD MAY 7, 2019.

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

PEL

Meeting Date: <u>January 28, 2019</u>	Reference Topic: Pipeline Easement Encroachment; Agreement with Enterprise TE Products Pipeline Company, LLC
Agenda Reference No.: <u>VI. C.</u>	Resolution No. <u>19-20</u>

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The proposed project to extend Shakertown Road to the east to connect to Factory Road requires that the new roadway cross an existing 10 inch gas pipeline and easement. The owner of the pipeline is agreeable to the City constructing the new roadway through this pipeline easement, but is requiring that an agreement be executed that governs the conditions and requirements that will need to be followed before this encroachment will be permitted.

The attached agreement specifies the construction procedures that will need to be followed during the roadway extension project, defines the scope of the permitted encroachment, and requires that the City be responsible if the pipeline is damaged at this location during or after construction. Every recommended safety precaution will be taken when work is planned in the vicinity of the pipeline to safeguard the construction crews, public, and the environment. However, due to potential liability to the City should something happen to the pipeline during construction, and to fully meet the requirements of the agreement, additional insurance will likely need to be purchased by the City with the execution of this agreement.

STAFF RECOMMENDATION:

The attached agreement between the City and Enterprise TE Products defines the requirements that the City will need to follow in order to encroach into this pipeline easement, and the execution of this agreement is necessary in order for the roadway extension project to proceed.

It is therefore recommend that City Council approve the attached resolution authorizing the City Manager to execute this agreement.

**CITY OF BEAVERCREEK
RESOLUTION NO. 19-20**

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF
JANUARY, 2019.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER
INTO AN AGREEMENT WITH THE ENTERPRISE TE PRODUCTS
PIPELINE COMPANY, LLC FOR THE CITY ENCROACHMENT INTO AN
EXISTING PIPELINE EASEMENT NECESSARY FOR THE
SHAKERTOWN ROAD EXTENSION PROJECT.**

WHEREAS, the City of Beavercreek and the Enterprise TE Products Pipeline Company, LLC desire to enter into an agreement which will delineate the requirements and responsibilities for the City encroachment into an existing pipeline easement .

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

SECTION I.

On behalf of the City of Beavercreek, the City Manager is hereby authorized to enter, with the Enterprise TE Products Pipeline Company, LLC, an agreement governing the City encroachment into an existing pipeline easement necessary for the extension of Shakertown Road as approved by Beavercreek City Council on January 28, 2019, and attached as Exhibit 'A'.

SECTION II.

On behalf of the City of Beavercreek, the City Manager is hereby authorized to execute any amendments to the agreement between the City of Beavercreek and Enterprise TE Products Pipeline Company, LLC that may become necessary.

SECTION III.

The Enterprise TE Products Pipeline Company, LLC claims title to this pipeline easement by virtue of the instrument recorded in Volume 324, Page 107 of the Deed Records of Greene County, Ohio.

SECTION IV.

It is hereby found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in

compliance with all legal requirements, including, but not limiting to Section 121.22 of the Ohio Revised Code.

SECTION V.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this 28th day of January, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

EXHIBIT A

ENCROACHMENT AGREEMENT

STATE OF OHIO §
 §
COUNTY OF GREENE §

This Encroachment Agreement ("Agreement") is made and entered into by and between ENTERPRISE TE PRODUCTS PIPELINE COMPANY, LLC (hereinafter referred to as "Company") whose mailing address is c/o Land Department, P.O. Box 4324, Houston, Texas 77210-4324 and physical address is c/o Land Department, 9420 W. Sam Houston Parkway N., Houston, Texas 77064-6317, and CITY OF BEAVERCREEK, OHIO (hereinafter referred to as "Landowner"), whose address is 1368 Research Park Drive, Beavercreek, OH 45432, upon the following terms and conditions:

WITNESSETH:

WHEREAS, Landowner owns a certain tract of land located in Greene County, Ohio and more particularly described as follows:

A parcel of land situated in the State of Ohio, County of Greene, Beavercreek Township, Section 25, Township 3, Range 7, City of Beavercreek, and being part of a tract conveyed to Eastbelle Company, an Ohio General Partnership by Deed Book 523, Page 68 and Official Record 303, Page 619 of said county records. Being a parcel of land lying on the left and right sides of the proposed centerline of right of way of Shakertown Road as shown on the centerline plat of GRE-CR71-3.52 as recorded in Plat Book 38, Page 331A (the "Property");

WHEREAS, Company holds a certain right of way and easement upon, over, under and through the Property, more particularly described in that certain Right of Way from W.A. Shoemake, A.R. Shoemake, and Dorothy G. Shoemake to Buckeye Pipe Line Company dated October 31, 1960 and recorded November 2, 1960 in Vol. 324, Page 107 in the Deed Records of Greene County, Ohio (the "Easement");

WHEREAS, Company owns and operates a pipeline that is located within the Easement and commonly known as "Lebanon to Lima" (LID P45) pipeline (the "Pipeline"; the Pipeline together with any related valves, meters, equipment, and other appurtenances, collectively the "Facilities") that runs through the Property pursuant to the Easement;

WHEREAS, Landowner desires to construct one (1) forty-six foot (46') wide roadway composed of ten-inch (10'') HMA placed on six-inch (6'') compacted subgrade with six-foot (6') wide shoulders across the Pipeline, which will encroach on the Easement (the "Encroachment");

WHEREAS, Landowner desires to obtain Company's consent to encroach on the Easement and Facilities; and

WHEREAS, Company, subject to the terms and conditions hereinafter stated, is willing to permit the Encroachment.

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Company hereby agrees to accommodate the Encroachment, subject to the following terms and conditions, and Company and Landowner hereby agree as follows:

1. Recitals: The foregoing Recitals are hereby incorporated into and made part of this Agreement.

2. Assumption of Risk: Landowner assumes all risks for damages, injuries, or loss to either property or persons, which may be incurred by Landowner or its agents, invitees, guests, or licensees present on, or in the vicinity of, the Easement and in any way associated with the Encroachment. Any maintenance or improvements to or repairs of the Encroachment that may become necessary shall be the sole responsibility, and performed at the sole cost and expense, of Landowner. Landowner shall keep all portions of the Encroachment in good repair.

3. Construction Parameters: Construction activity of any kind, including, but not limited to, equipment movement, materials storage, boring, and digging that take place within the Easement will require 48 hours (two working days) prior notice to Ohio One-Call at 811. A Company representative must be present during any of the aforementioned construction activities and Landowner acknowledges that Company's representative shall have full authority to stop any of Landowner's excavation or construction related activities within the Easement if Company's representative, in his/her sole discretion, believes Landowner's activities could result in damage to the Facilities or pose a threat to the environment or public safety. The presence of Company's representative will not relieve Landowner of any liability under this Agreement.

4. The following language must be conspicuously displayed on all drawings depicting the Pipeline(s):

WARNING!

HIGH PRESSURE PIPELINE(S)

Excavation and/or Construction Prohibited without Prior Written Permission From
Enterprise TE Products Pipeline Company LLC

5. Construction Parameters (continued): No equipment will be allowed to work over the Pipeline, unless approved by Company's representative. Excavators must work/dig parallel to the Pipeline, and the buckets must have barred teeth. Any excavation within eighteen (18) inches plus half the diameter of the Pipeline will be done by hand; however, no mechanical excavation should ever be performed less than two (2) feet from the Pipeline. No medium to large vibratory compaction equipment is allowed within ten-feet (10') from the Pipeline, and only walk-behind vibratory rollers/compactors are allowed. Easement. Landowner's crossing(s) will be as close to ninety (90) degrees as possible to the Pipeline, but not less than forty-five (45) degrees. Company will require physical verification of Pipeline depth of cover and alignment, at Landowner's expense, prior to work being performed near the Pipeline. The method of physical verification, whether hydro-excavation or other means, shall be coordinated

and approved by Company's field representative. If the Pipeline is not at the anticipated alignment or depth, Landowner shall adjust the Encroachment accordingly at no expense to Company. A minimum of three (3) feet of stable soil cover must be maintained over the Pipeline.

6. Roadway: Landowner will maintain a minimum of nine (9) feet of cover between the top of the Pipeline and the top of the road surface(s). Landowner will maintain a minimum of 4-feet of cover between the top of the Pipeline and the flowline of all ditches. Landowner will maintain a minimum of three (3) feet of cover between the top of the Pipeline and the top of the paved parking surface.

7. Heavy Equipment: Company will require a **minimum of 72 hours written notice** prior to crossing the Pipeline with heavy equipment. Wherever Landowner will cross the Pipeline and/or Easement with heavy equipment, Landowner will place eight-inch (8'') thick matting and other suitable material over the Pipeline and/or Easement as determined by Company's field representative.

8. Excavated Material: Besides to build to final grade on the Encroachment, excavated material will not be placed over the Pipeline. Landowner agrees to clean up and repair all damages to the Easement resulting from the work on or across the Easement. Any and all damage repairs and cleanup of the Easement will be subject to Company's acceptance.

9. Landscaping: Large landscaping is not permitted on the Easement, including, but not limited to, trees, shrubs, and large landscaping with a mature untrimmed height greater than eighteen (18) inches. Company reserves the right to trim canopy of any trees or other vegetation adjacent to the Easement to prevent overhang onto the Easement.

10. No Interference: Landowner shall at all times conduct all of its activities within the Easement in such a manner as not to interfere with or impede in any manner whatsoever the operation of the Facilities and any related activities of Company. If at any time Company, in its sole discretion, determines that the safety, operation, or maintenance of the Facilities is adversely affected by the Encroachment, Company may take any and all necessary action to protect the Easement and Facilities from such adverse condition. In accordance with Section 15, Landowner shall promptly reimburse Company for its reasonable costs incurred in protecting or modifying the Facilities from, or to eliminate, such adverse condition.

11. Reimbursement: If at any time the existence, construction, operation, maintenance, relocation, or removal of the Encroachment causes Company to incur any cost that in any manner relates to Company's operation, maintenance, removal, repair, replacement, protection, modification, construction, alteration, relocation, changing the size of, addition to and/or inspection of the Facilities or Easement, or the cleanup or handling of any spills of petroleum products (individually and collectively, "Easement Operations"), Landowner agrees to reimburse Company for any and all such costs that would not have been incurred but for the existence of the Encroachment. Landowner hereby releases Company from and agrees that

Company will not be held liable for any damages to the Encroachment arising from Easement Operations.

12. Insurance: Landowner shall maintain (and require its contractors to maintain, during the course of work on the Encroachment) insurance of the type, in the amount and under the terms set forth in Exhibit B attached hereto and made a part thereof. Certificates of Insurance on all policies shall be furnished to Company prior to (but not more than 30 days prior to) the time work on the Encroachment is commenced. Company shall be entitled to request and receive copies of all applicable policies and endorsements.

13. Removal: Company has the right to remove all or portions of the Encroachment as necessary in Company's discretion in its exercise of the rights granted to it under the Easement. Should Company need to remove any portion of the Encroachment within the Easement in order to conduct Easement Operations, Landowner shall pay for the cost of removing and be responsible for replacing or reinstalling such removed portion of the Encroachment and the costs thereof. Company shall not be responsible for any loss, damage, or replacement to the Encroachment or any associated equipment and facilities that exist within the Easement; and Landowner releases Company from all costs, losses, or damages directly or indirectly arising from Company's removal of any portion of the Encroachment.

14. No Waiver: The existence of the Encroachment does not constitute a waiver of Company's express rights under the Easement or any other rights which Company may have express or implied by law or equity.

15. No Additional Improvements: Except for the Encroachment, Landowner will not at any time erect, construct, or create any additional buildings, improvements, structures, or obstructions of any kind on, above, or below the surface of the Easement, or change the grade thereof, or cause or permit these things to be done by others, without the express prior written consent of Company, which consent may be withheld in Company's sole discretion. No structures or improvements, including, but not limited to, fences, water wells, septic systems, utility poles, light poles, buildings, houses, barns, garages, patios, swimming pools, or concrete or asphalt slabs, are permitted on the Easement. This Agreement provides only for the Encroachment, and any and all future encroachments require Company's prior review and written consent.

16. Termination: If Landowner is in breach of any terms or conditions set forth in this Agreement, Company, at its option, may terminate this Agreement upon [ten (10) days] written notice to Landowner unless such breach has been cured prior to the expiration of such [ten (10) day] period. In the event of such termination, Landowner shall immediately remove all of the Encroachment situated on the Easement, or if Landowner fails to remove all of the Encroachment, Company may, at its option, remove the Encroachment at Landowner's cost and expense and without any liability whatsoever. The failure by Company to exercise this termination option as to any particular breach shall not constitute a waiver of Company's future right to exercise this termination option as to the same or any future breach.

17. Runs with the Land: The terms, covenants and conditions of this Agreement constitute covenants running with the land and shall be binding upon and inure to the benefit of Company and Landowner, their heirs, legal representatives, successors and assigns.

18. Governance and Venue: This Agreement shall be governed by, and interpreted and construed in accordance with, the laws of the State of Ohio, without regard to any of its principles of conflicts of laws that would make applicable the laws of any other jurisdiction. Exclusive venue for any suit, action, or proceeding brought by either party in connection with this Agreement shall be in the state and federal courts located in Greene County, Ohio. The parties each hereby irrevocably and unconditionally waive, to the fullest extent they may legally and effectively do so, any objection they may now or hereafter have to the laying of venue of any suit, action, or proceeding arising out of or relating to this Agreement or the transactions contemplated hereby in the state and federal courts situated in Greene County, Ohio.

19. Construction: If any term, covenant or condition of this Agreement is deemed invalid, illegal, or incapable of being enforced by any rule of law or public policy, all other terms, covenants or conditions of this Agreement shall remain in full force and effect. Upon such determination, the parties shall negotiate in good faith to modify this Agreement so as to give effect to the original intent of the parties, as closely as possible and in an acceptable manner to the end that the transactions contemplated hereby are fulfilled to the maximum extent possible.

20. Amendment: This Agreement shall not be amended or modified in any manner, including the conduct of the parties, except by written instrument duly signed by Company and Landowner or their respective heirs, successors or assigns.

21. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Company and Landowner and their respective heirs, legal representatives, successors and assigns.

22. Entire Agreement: This Agreement, including any exhibits hereto constitute the entire agreement between Company and Landowner with respect to the Encroachment and supersedes and replaces any prior agreement, whether written or oral, between the Parties with respect thereto.

23. Counterparts: This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument and any of the parties hereto may execute this Agreement by signing any such counterpart. Delivery of an executed copy of this Agreement by facsimile, e-mail or other electronic means shall be effective as delivery of an original executed counterpart of this Agreement and shall be binding on the parties hereto and thereto. Any party delivering an executed counterpart of this Agreement by electronic means shall also physically deliver original executed counterparts of this Agreement in the manner and quantity as requested by Company or Company's counsel, but the failure to physically deliver such original executed counterparts shall not affect the validity, enforceability, and binding effect of this Agreement.

24. Notices: Any notice required by or permitted under this Agreement must be in writing. Any such notice will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in the opening paragraph of this Agreement. Notice may also be given by regular mail, personal delivery, courier delivery, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered to the other parties as provided herein.

REMAINDER OF PAGE LEFT BLANK

SIGNATURES CONTAINED ON NEXT PAGE

IN WITNESS WHEREOF, we have hereunto set our hands on the day and year below.

(COMPANY)

ENTERPRISE TE PRODUCTS PIPELINE
COMPANY LLC

By: _____

Michael D. Brown
Agent and Attorney-in-Fact

Date: _____

(LANDOWNER)

CITY OF BEAVERCREEK, OHIO

By: _____

Name: _____

Title: _____

Date: _____

ACKNOWLEDGEMENTS

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this ____ day of _____, 20__, by Michael D. Brown, Agent and Attorney-in-Fact for Enterprise TE Products Pipeline Company, LLC, on behalf of such limited liability company.

(seal) _____
Notary Public

My Commission Expires: _____

STATE OF _____ §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of _____, 20__, by _____ (Name), as _____ (Title) of CITY OF BEAVERCREEK, OHIO on behalf of such municipality.

(seal) _____
Notary Public

My Commission Expires: _____

Prepared By/Return To:

Enterprise Products Operating LLC
c/o Jay Johnson – Land Department
P.O. Box 4324
Houston, Texas 77210-4324

Greene County

005931

TRANSFERRED
PER 319.20 O.R.C.

18 DEC 27 AM 11:02

FEE _____ EXEMPT X
GREENE COUNTY AUDITOR

EXHIBIT A

1 0 8 4 4 3 1
2018021222
12/27/2018 11:21:22 AM
Eric C Sears
Greene County Recorder
DEED 108.00
Pages 12

ODOT LPA RE 801
Rev. 10/2017

Warranty Deed
LPA

LIMITED WARRANTY DEED

EASTBELLE COMPANY, AN OHIO GENERAL PARTNERSHIP, the Grantor(s), in consideration of the sum of \$331,659.00, to be paid by the CITY OF BEAVERCREEK, OHIO, the Grantee, does grant, with limited warranty covenants, to Grantee, its successors and assigns forever, all right, title and interest in fee simple in the following described real estate:

PARCEL(S): 5-WD

GRE-CR71-3.52

SEE EXHIBIT A ATTACHED

Greene County Current Tax Parcel No. B42-0006-0016-00001-00;B42-0006-0014-00127.00;B03-0001-0024-0-0018-00 Prior Instrument Reference:DV523 PG68; OR303 PG619, Greene County Recorder's Office.

Grantor(s), for them and their successors and assigns, covenants with the Grantee, its successors and assigns, that they are the owner(s) of the above parcel(s), in fee simple, and have the right and power to convey the above parcel(s), and that the above parcel(s) are free and clear from all liens and encumbrances, except: (a) easements, restrictions, conditions, and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable, and (e) that certain Farm Lease dated February 26, 2018, which Farm Lease expires on December 31, 2018; and Grantor hereby binds itself and its successors to warrant and forever defend the right and title to the

Greene County
Ohio

property, unto Grantee, its successors and assigns, against the claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

The property conveyed is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

In the event that the Grantee decides not to use the property conveyed for the above-stated purpose, the Grantor(s) have a right under Section 163.211 of the Revised Code to repurchase the property for its fair market value as determined by an independent appraisal made by an appraiser chosen by agreement of the parties or, if the parties cannot agree, an appraiser chosen by an appropriate court. However, this right to repurchase will be extinguished if any of the following occur: (A) Grantor(s) decline to repurchase the property; (B) Grantor(s) fail to repurchase the property within sixty days after Grantee offers the property for repurchase; (C) Grantee grants or transfers the property to any other person or agency; or (D) Five years have passed since the property was appropriated or acquired by Grantee.

(signatures on following pages)

Greene County
Ohio

EASTBELLE COMPANY, AN OHIO GENERAL PARTNERSHIP

BY: TOWN & COUNTRY CITY, INC., ITS GENERAL PARTNER

By: 

FRANK S. BENSON III - PRESIDENT

STATE OF OHIO, COUNTY OF FRANKLIN SS:

BE IT REMEMBERED, that on the 19th day of December, 2018, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Frank S. Benson III, who acknowledged being the President and duly authorized agent of Town & Country City, Inc., an Ohio corporation, which is a general partner of Eastbelle Company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



Stephen L. Harper, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.



NOTARY PUBLIC

My Commission expires:

BY: EASTGATE ASSOCIATES, ITS GENERAL PARTNER

By: [Signature]

Name: Bryan A. Carey

Title: Agent

STATE OF District of Columbia, COUNTY OF _____ SS:

BE IT REMEMBERED, that on the 18 day of December, 2018, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Bryan Carey, who acknowledged being the ~~President and~~ duly authorized agent of Eastgate Associates, an Ohio general partnership, which is a general partner of Eastbelle Company, and who acknowledged the foregoing instrument to be the voluntary act and deed of said entity.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

[Signature]

NOTARY PUBLIC

My Commission expires: 1/31/2019

Document prepared by the City of Beavercreek

Greene County
Ohio

EXHIBIT A

LPA RX 851 WD

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Rev. 06/09

Ver. Date 03/19/2018

PID 100929

**PARCEL 5-WD
GRE-CR71-3.52**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situate in the State of Ohio, County of Greene, Beavercreek Township, Section 25, Township 3, Range 7, City of Beavercreek, and being part of a tract conveyed to Eastbelle Company, an Ohio General Partnership (hereinafter known as the "Grantor") by Deed Book 523, Page 68 and Official Record 303, Page 619 of said county records. Being a parcel of land lying on the left and right sides of the proposed centerline of right of way of Shakertown Road as shown on the centerline plat of GRE-CR71-3.52 as recorded in Plat Book _____, Page _____ of the records of Greene County and being further described as follows:

Commencing at a P.K. Nail (set) at the intersection of the centerline of right of way of U.S. 35 and the centerline of right of way of Factory Road, as shown on GRE-35-(0.13-9.45), said intersection being on the common line of Section 25 and Section 19 at U.S. 35 station 284+28.18 and Factory Road station 24+66.83;

Thence on the centerline of right of way of Factory Road and the common line of Section 25 and Section 19, South 05 degrees 06 minutes 17 seconds West, a distance of 894.87 feet to Factory Road station 15+71.96 and the Point of Beginning of the parcel herein described;

1. Thence continuing on the centerline of right of way of Factory Road and the common line of Section 25 and Section 19, South 05 degrees 06 minutes 17 seconds West, a distance of 560.28 feet to a Factory Road station 10+11.68;
2. Thence through the Grantor's lands, North 84 degrees 53 minutes 43 seconds West, a distance of 25.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD" on the west existing right of way line of Factory Road at 25.00 feet left of Factory Road station 10+11.68;

Greene County
Ohio

EXHIBIT A

LPA RX 851 WD

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3. Thence continuing through the Grantor's lands, North 40 degrees 13 minutes 09 seconds West, a distance of 49.22 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 75.00 feet right of proposed Shakertown Road station 132+99.82;
4. Thence continuing through the Grantor's lands, North 85 degrees 32 minutes 35 seconds West, a distance of 47.86 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 75.00 feet right of proposed Shakertown Road station 132+51.95;
5. Thence continuing through the Grantor's lands, Northwesterly, on the arc of a curve deflecting to the right, for an arc distance of 115.48 feet, having a central angle of 05 degrees 55 minutes 29 seconds, a radius of 1116.74 feet, and a chord that bears North 82 degrees 34 minutes 50 seconds West, a distance of 115.43 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 75.00 feet right of proposed Shakertown Road station 131+44.23;
6. Thence continuing through the Grantor's lands, South 12 degrees 13 minutes 52 seconds East, a distance of 88.90 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 30.04 feet left of existing Alpha Bellbrook Road station 113+09.91;
7. Thence continuing through the Grantor's lands, South 09 degrees 06 minutes 22 seconds East, a distance of 50.38 feet to a 5/8 inch rebar (set), with cap stamped "GPD", on the south existing right of way of Alpha Bellbrook Road at 20.00 feet right of existing Alpha Bellbrook Road station 113+04.40;
8. Thence on the south existing right of way of Alpha Bellbrook Road, South 74 degrees 09 minutes 52 seconds West, a distance of 30.21 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 20.00 feet right of existing Alpha Bellbrook Road station 112+73.80;
9. Thence through the Grantor's lands, North 09 degrees 06 minutes 22 seconds West, a distance of 53.11 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 32.74 feet left of existing Alpha Bellbrook Road station 112+80.02;
10. Thence continuing through the Grantor's lands, North 12 degrees 13 minutes 52 seconds West, a distance of 95.61 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 80.00 feet right of proposed Shakertown Road station 131+15.82;
11. Thence continuing through the Grantor's lands, Northwesterly, on the arc of a curve deflecting to the right, for an arc distance of 256.09 feet, having a central angle of 13 degrees 04 minutes 49 seconds, a radius of 1121.74 feet, and a chord that bears North 71 degrees 30 minutes 55 seconds West, a distance of 255.53 feet, to a 5/8 inch rebar (set), with cap stamped "GPD" at 80.00 feet right of proposed Shakertown Road station 128+77.99;
12. Thence continuing through the Grantor's lands, South 26 degrees 33 minutes 52 seconds West, a distance of 85.03 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 165.00 feet right of proposed Shakertown Road station 128+76.02;

Greene County
Ohio

EXHIBIT A

LPA RX 851 WD

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13. Thence continuing through the Grantor's lands, **Northwesterly**, on the arc of a curve deflecting to the right, for an arc distance of **158.62 feet**, having a central angle of **07 degrees 31 minutes 52 seconds**, a radius of **1206.74 feet**, and a chord that bears **North 61 degrees 06 minutes 04 seconds West**, a distance of **158.50 feet**, to a 5/8 inch rebar (set), with cap stamped "GPD" at 165.00 feet right of proposed Shakertown Road station 127+39.09 and 170.00 feet right of proposed Alpha Bellbrook Road station 49+48.40;
14. Thence continuing through the Grantor's lands, **Southwesterly**, on the arc of a curve deflecting to the left, for an arc distance of **207.38 feet**, having a central angle of **20 degrees 41 minutes 47 seconds**, a radius of **574.10 feet**, and a chord that bears **South 07 degrees 50 minutes 25 seconds West**, a distance of **206.25 feet**, to a 5/8 inch rebar (set), with cap stamped "GPD" at 170.00 feet right of proposed Alpha Bellbrook Road station 46+79.61;
15. Thence continuing through the Grantor's lands, **South 87 degrees 29 minutes 31 seconds West**, a distance of **113.50 feet** to a 5/8 inch rebar (set), with cap stamped "GPD" at 56.50 feet right of Alpha Bellbrook Road station 46+79.61;
16. Thence continuing through the Grantor's lands, **South 02 degrees 30 minutes 29 seconds East**, a distance of **264.61 feet** to a 5/8 inch rebar (set), with cap stamped "GPD" at 56.50 feet right of Alpha Bellbrook Road station 44+15.00;
17. Thence continuing through the Grantor's lands, **North 87 degrees 29 minutes 31 seconds East**, a distance of **120.64 feet** to a 5/8 inch rebar (set), with cap stamped "GPD" at 177.14 feet right of Alpha Bellbrook Road station 44+15.00;
18. Thence continuing through the Grantor's lands, **South 02 degrees 30 minutes 29 seconds East**, a distance of **30.00 feet** to a 5/8 inch rebar (set), with cap stamped "GPD" at 177.14 feet right of Alpha Bellbrook Road station 43+85.00;
19. Thence continuing through the Grantor's lands, **South 87 degrees 29 minutes 31 seconds West**, a distance of **120.64 feet** to a 5/8 inch rebar (set), with cap stamped "GPD" at 56.50 feet right of Alpha Bellbrook Road station 43+85.00;
20. Thence continuing through the Grantor's lands, **South 02 degrees 30 minutes 29 seconds East**, a distance of **54.24 feet** to a 5/8 inch rebar (set), with cap stamped "GPD" at 56.50 feet right of Alpha Bellbrook Road station 43+30.76;
21. Thence continuing through the Grantor's lands, **Southwesterly**, on the arc of a curve deflecting to the right, for an arc distance of **459.17 feet**, having a central angle of **32 degrees 51 minutes 39 seconds**, a radius of **800.60 feet**, and a chord that bears **South 13 degrees 55 minutes 21 seconds West**, a distance of **452.90 feet**, to a 5/8 inch rebar (set), with cap stamped "GPD", 56.50 feet right of Alpha Bellbrook Road station 39+03.99;

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22. Thence continuing through the Grantor's lands, **South 30 degrees 21 minutes 10 seconds West**, a distance of **83.80 feet** to a 5/8 inch rebar (set), with cap stamped "GPD", on the north line of lands conveyed to Tammy Burchfield, Successor Trustee, as recorded in Official Record 544, Page 344, also being the Grantor's south line, the south line of Section 25, Township 3, Range 7 and the north line of Section 30, Township 3, Range 6 at 56.50 feet right of Alpha Bellbrook station 38+20.20;
23. Thence on the north line of said Burchfield lands and the Grantor's south line, also being the south line of Section 25, Township 3, Range 7 and the north line of Section 30, Township 3, Range 6, **North 84 degrees 44 minutes 00 seconds West**, a distance of **139.68 feet** to a 5/8 inch rebar (set), with cap stamped "GPD" at 70.00 feet left of Alpha Bellbrook station 37+60.98, passing over a 5/8 inch rebar (set), with cap stamped "GPD" at a distance of 110.88 feet;
24. Thence through the Grantor's lands, **North 30 degrees 21 minutes 10 seconds East**, a distance of **143.02 feet** to a 5/8 inch rebar (set), with cap stamped "GPD" at 70.00 feet left of Alpha Bellbrook station 39+03.99;
25. Thence continuing through the Grantor's lands, **Northeasterly**, on the arc of a curve deflecting to the left, for an arc distance of **386.62 feet**, having a central angle of **32 degrees 51 minutes 39 seconds**, a radius of **674.10 feet**, and a chord that bears **North 13 degrees 55 minutes 21 seconds East**, a distance of **381.34 feet**, to a 5/8 inch rebar (set), with cap stamped "GPD" at 70.00 feet left of Alpha Bellbrook Road station 43+30.76;
26. Thence continuing through the Grantor's lands, **North 02 degrees 30 minutes 29 seconds West**, a distance of **348.86 feet** to a 5/8 inch rebar (set), with cap stamped "GPD" at 70.00 feet left of proposed Alpha Bellbrook Road station 46+79.61;
27. Thence continuing through the Grantor's lands, **Northeasterly**, on the arc of a curve deflecting to the right, for an arc distance of **452.20 feet**, having a central angle of **31 degrees 49 minutes 32 seconds**, a radius of **814.10 feet**, and a chord that bears **North 13 degrees 24 minutes 17 seconds East**, a distance of **446.41 feet**, to a 5/8 inch rebar (set), with cap stamped "GPD" at 70.00 feet left of Alpha Bellbrook Road station 50+92.93;
28. Thence continuing through the Grantor's lands, **North 06 degrees 21 minutes 42 seconds West**, a distance of **23.54 feet** to a 5/8 inch rebar (set), with cap stamped "GPD" at 84.00 feet right of proposed Shakertown Road station 124+85.20;
29. Thence continuing through the Grantor's lands, **Northwesterly**, on the arc of a curve deflecting to the right, for an arc distance of **12.27 feet**, having a central angle of **00 degrees 37 minutes 28 seconds**, a radius of **1125.74 feet** and a chord that bears **North 43 degrees 03 minutes 33 seconds West**, a distance of **12.27 feet** to a 5/8 inch rebar (set), with cap stamped "GPD" at 84.00 feet right of proposed Shakertown Road station 124+73.84;

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30. Thence continuing through the Grantor's lands, North 42 degrees 44 minutes 49 seconds West, a distance of 173.84 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 84.00 feet right of proposed Shakertown Road station 123+00.00;
31. Thence continuing through the Grantor's lands, North 39 degrees 09 minutes 01 seconds West, a distance of 350.69 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 62.00 feet right of proposed Shakertown Road station 119+50.00;
32. Thence continuing through the Grantor's lands, North 42 degrees 44 minutes 49 seconds West, a distance of 928.62 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 62.00 feet right of proposed Shakertown Road station 110+21.38;
33. Thence continuing through the Grantor's lands, Northwesterly, on the arc of a curve deflecting to the left, for an arc distance of 619.32 feet, having a central angle of 36 degrees 13 minutes 05 seconds, a radius of 979.74 feet, and a chord that bears North 60 degrees 51 minutes 21 seconds West, a distance of 609.06 feet, to a 5/8 inch rebar (set), with cap stamped "GPD", 62.00 feet right of proposed Shakertown Road station 103+62.87;
34. Thence continuing through the Grantor's lands, North 78 degrees 57 minutes 54 seconds West, a distance of 156.60 feet to a 5/8 inch rebar (set), with cap stamped "GPD", 49.56 feet right of proposed Shakertown Road station 101+97.75;
35. Thence continuing through the Grantor's lands, Northwesterly, an arc distance of 54.97 feet, along the arc of a curve deflecting to the left, having a central angle of 06 degrees 17 minutes 58 seconds, a radius of 500.00 feet, and a chord that bears North 82 degrees 06 minutes 53 seconds West, a distance of 54.95 feet, to a 5/8 inch rebar (set), with cap stamped "GPD" on the Grantor's west property line, 42.39 feet right of proposed Shakertown Road station 101+40.76;
36. Thence on the Grantor's west line, North 05 degrees 15 minutes 36 seconds East, a distance of 69.86 feet to the northwest corner of the Southeast Quarter of Section 25, 27.06 feet left of proposed Shakertown Road station 101+48.40, passing a railroad spike (found) at a distance of 51.63 feet;
37. Thence on the half section line of Section 25, South 84 degrees 56 minutes 12 seconds East, a distance of 1181.63 feet to the southeast corner of lands conveyed to RSACP Rentals, LLC, an Ohio Limited Liability Company by Official Record 2697, Page 765;
38. Thence on the east line of said RSACP Rentals, LLC lands, North 05 degrees 10 minutes 56 seconds East, a distance of 25.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD" 485.36 feet left of proposed Shakertown Road station 110+85.68, passing a 3/4 inch pipe (found) at a distance of 22.50 feet;

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39. Thence through the Grantor's lands, South 84 degrees 56 minutes 12 seconds East, a distance of 5.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD", 488.72 feet left of proposed Shakertown Road station 110+89.39;
40. Thence through the Grantor's lands, South 05 degrees 03 minutes 48 seconds West, a distance of 109.27 feet to a 5/8 inch rebar (set), with cap stamped "GPD", 407.76 feet left of proposed Shakertown Road station 111+62.77;
41. Thence continuing through the Grantor's lands, North 84 degrees 25 minutes 02 seconds West, a distance of 115.38 feet to a 5/8 inch rebar (set), with cap stamped "GPD", 331.05 feet left of proposed Shakertown Road station 110+76.59;
42. Thence continuing through the Grantor's lands, North 05 degrees 03 minutes 48 seconds East, a distance of 58.22 feet to a 5/8 inch rebar (set), with cap stamped "GPD", 374.19 feet left of proposed Shakertown Road station 110+37.49;
43. Thence continuing through the Grantor's lands, North 84 degrees 56 minutes 12 seconds West, a distance of 261.19 feet to a 5/8 inch rebar (set), with cap stamped "GPD", 211.40 feet left of proposed Shakertown Road station 108+73.40;
44. Thence through the Grantor's lands, South 29 degrees 25 minutes 17 seconds West, a distance of 164.09 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 50.00 feet left of proposed Shakertown Road station 108+99.76;
45. Thence continuing through the Grantor's lands, Southeasterly, on the arc of a curve deflecting to the right, for an arc distance of 127.45 feet, having a central angle of 06 degrees 41 minutes 19 seconds, a radius of 1091.74 feet, and a chord that bears South 46 degrees 05 minutes 29 seconds East, a distance of 127.38 feet, to a 5/8 inch rebar (set), with cap stamped "GPD" at 50.00 feet left of proposed Shakertown Road station 110+21.38;
46. Thence continuing through the Grantor's lands, South 42 degrees 44 minutes 49 seconds East, a distance of 828.62 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 50.00 feet left of proposed Shakertown Road station 118+50.00;
47. Thence continuing through the Grantor's lands, North 47 degrees 15 minutes 11 seconds East, a distance of 10.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 60.00 feet left of proposed Shakertown Road station 118+50.00;
48. Thence continuing through the Grantor's lands, South 42 degrees 44 minutes 49 seconds East, a distance of 102.00 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 60.00 feet left of proposed Shakertown Road station 119+52.00;

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49. Thence continuing through the Grantor's lands, South 47 degrees 15 minutes 11 seconds West, a distance of 9.92 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 50.08 feet left of proposed Shakertown Road station 119+52.00;
50. Thence continuing through the Grantor's lands, South 45 degrees 36 minutes 33 seconds East, a distance of 399.50 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 70.02 feet left of proposed Shakertown Road station 123+51.00;
51. Thence continuing through the Grantor's lands, South 42 degrees 44 minutes 07 seconds East, a distance of 122.84 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 70.00 feet left of proposed Shakertown Road station 124+73.84;
52. Thence continuing through the Grantor's lands, Southeasterly, on the arc of a curve deflecting to the left, for an arc distance of 397.52 feet, having a central angle of 23 degrees 26 minutes 20 seconds, a radius of 971.74 feet, and a chord that bears South 54 degrees 27 minutes 59 seconds East, a distance of 394.76 feet, to a 5/8 inch rebar (set), with cap stamped "GPD" at 70.00 feet left of proposed Shakertown Road station 129+00.00;
53. Thence continuing through the Grantor's lands, South 85 degrees 31 minutes 07 seconds East, a distance of 48.64 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 85.00 feet left of proposed Shakertown Road station 129+49.99;
54. Thence continuing through the Grantor's lands, Southeasterly, on the arc of a curve deflecting to the left, for an arc distance of 321.92 feet, having a central angle of 19 degrees 16 minutes 43 seconds, a radius of 956.74 feet, and a chord that bears South 78 degrees 34 minutes 28 seconds East, a distance of 320.40 feet, to a 5/8 inch rebar (set), with cap stamped "GPD" at 86.04 feet left of proposed Shakertown Road station 132+96.53;
55. Thence continuing through the Grantor's lands, North 47 degrees 15 minutes 57 seconds East, a distance of 19.28 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 100.18 feet left of proposed Shakertown Road station 133+09.63;
56. Thence continuing through the Grantor's lands, North 04 degrees 48 minutes 31 seconds East, a distance of 350.12 feet to a 5/8 inch rebar (set), with cap stamped "GPD" at 53.97 feet left of Factory Road station 15+71.69;
57. Thence continuing through the Grantor's lands, South 85 degrees 11 minutes 29 seconds East, a distance of 53.97 feet to the Point of Beginning, containing 16.103 acres, of which the present road occupies 0.864 acres. Of said 16.103 acres, 16.100 acres is contained within Greene County Auditor's Permanent Parcel No. B42-0006-0016-00001.00 and the remaining 0.003 acres is contained within Greene County Auditor's Permanent Parcel No. B42-0006-0014-00127.00.

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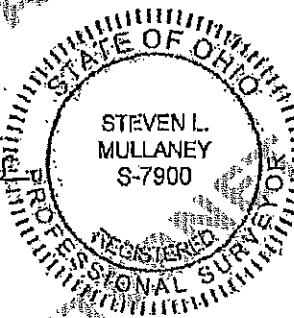
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The bearings for this description are based on Grid North, of the Ohio State Plane Coordinate System, NAD83(1995), Ohio North Zone, established by using the Ohio Department of Transportation's Virtual Reference System (VRS) as part of a Global Positioning System (GPS) survey.

This description was prepared and reviewed under the supervision of Steven L. Mullaney, Professional Surveyor No. 7900 from a survey conducted for the City of Beavercreek, Ohio in July, 2016.

Steven L. Mullaney
Steven L. Mullaney, P.S.
Professional Surveyor No. 7900

4/22/18
Date



DESCRIPTION CHECK
Greene County Engineer's Tax Map Dept.
☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required
By: *[Signature]* Date: 5-29-18
PAR ID: DIST BK PG PAR

0.864Ac out of B03-1-24-18
15.236Ac out of B42-6-16-1
0.003Ac out of B42-6-14-127

New #'s
0.864Ac = B03-1-24-19
15.239Ac = B42-6-16-2

EXHIBIT "B"

Insurance Requirements

- A. Payor agrees to procure and maintain, and shall require all Contractors to procure and maintain, insurance coverages in the kinds and amounts, and with deductibles reasonably acceptable as set forth below:
- (i) Worker's Compensation Insurance, including occupational disease coverage, in accordance with the benefits afforded by the statutory worker's compensation acts applicable to the state, territory or district of hire, supervision or place of accident.
 - (ii) Employer's Liability Insurance in an amount not less than \$1,000,000 each accident, \$1,000,000 disease each employee and \$1,000,000 disease policy limit.
 - (iii) Commercial General Liability Insurance with a single limit of liability for bodily injury or property damage of \$1,000,000 per occurrence (\$2,000,000 Aggregate) on ISO Coverage Form CG 00 01 (or equivalent), such coverage to include products/completed operations liability, premises/operations, independent contractors, broad form bodily injury and property damage, personal injury, explosion, blanket contractual liability and sudden and accidental pollution liability.
 - (iv) Business Automobile Liability Insurance covering all owned, non-owned, leased, rented, and hired motor vehicles, including coverage for loading and unloading, used in the performance of this Agreement, with limits of not less than \$1,000,000 combined single limit.
 - (v) Excess Liability Insurance with limits of not less than \$5,000,000 per occurrence and in the aggregate providing additional limits of insurance to the coverage described in subsections ii, iii and iv above.
- B. All required insurance shall:
- (i) except Worker's Compensation or Employer's Liability insurance, name Enterprise, its directors, employees, agents and representatives (collectively, the "Enterprise Indemnified Parties") as an additional insured;
 - (ii) not contain exclusions for claims arising out of the negligence of any Enterprise Indemnified Parties as an additional insured; and
 - (iii) be endorsed as primary and non-contributing to any other insurance policies carried by Enterprise with respect to Payor's operations.
- C. Except where prohibited by law, all policies of insurance pertaining to this Agreement which are procured, held or maintained by Payor or any Contractor, whether required by this Agreement or not, shall be endorsed to provide that the underwriters or insurers waive any and all rights of subrogation against the Enterprise Indemnified Parties.
- D. Payor shall:
- (i) simultaneously with its execution of this Agreement, provide to Enterprise Certificates of Insurance for itself and each of its Contractors on a standard ACORD form signed by an authorized representative evidencing the coverages, limits, endorsements and extensions required herein for Enterprise and each entity required to be named as an additional insured herein; and
 - (ii) deliver, or require to be delivered, to Enterprise a renewal certificate not less than ten (10) days before policy expiration.

CURVE DATA
(OLD SHAKERTOWN RD.)

P.I. Sta. 73+08.20	P.I. Sta. 76+48.30
$\Delta = 7^{\circ} 53' 57''$ (LT)	$\Delta = 5^{\circ} 32' 36''$ (RT)
$Dc = 2^{\circ} 59' 59''$	$Dc = 4^{\circ} 30' 03''$
$R = 1,910.00'$	$R = 1,273.00'$
$T = 131.87'$	$T = 61.63'$
$L = 263.33'$	$L = 123.16'$
$E = 4.55'$	$E = 1.49'$
$C = 263.12'$	$C = 123.11'$
C.B. = S 86° 39' 06" E	C.B. = S 87° 49' 47" E

P.I. Sta. 84+87.77	① PC Sta. 71+76.33
$\Delta = 71^{\circ} 50' 10''$ (LT)	② PT Sta. 74+39.66
$Dc = 58^{\circ} 12' 46''$	③ PC Sta. 75+86.67
$R = 98.42'$	④ PT Sta. 77+09.83
$T = 71.29'$	⑤ PC Sta. 84+16.48
$L = 123.40'$	⑥ PT Sta. 85+39.88
$E = 23.11'$	
$C = 115.48'$	
C.B. = N 59° 01' 26" E	

CURVE DATA
(SHAKERTOWN RD.)

P.I. Sta. 105+65.99	P.I. Sta. 128+82.05
$\Delta = 54^{\circ} 39' 02''$ (RT)	$\Delta = 42^{\circ} 47' 46''$ (LT)
$Dc = 5^{\circ} 30' 00''$	$Dc = 5^{\circ} 30' 00''$
$R = 1,041.74'$	$R = 1,041.74'$
$T = 538.26'$	$T = 408.21'$
$L = 993.64'$	$L = 778.11'$
$E = 130.84'$	$E = 77.13'$
$C = 956.40'$	$C = 760.15'$
C.B. = S 70° 04' 20" E	C.B. = S 64° 08' 42" E

STA. 102+94.92, \angle CONST. SHAKERTOWN RD. =
STA. Sta. 70+09.45, \angle CONST. (OLD) SHAKERTOWN RD.

STA. 108+58.80, \angle CONST. SHAKERTOWN RD. =
STA. 90+00.00, \angle CONST. SHAKERTOWN CONNECTOR

DESIGN DESIGNATIONS

	SHAKERTOWN RD	ALPHA BELLBROOK RD	FACTORY ROAD	YELLOW BRICK ROAD
CURRENT ADT (2018)	3550	920	9,230	-
DESIGN YEAR ADT (2038)	4110	1100	12,590	-
DESIGN HOURLY VOLUME (2038)	450	120	1,260	-
DIRECTIONAL DISTRIBUTION	51%	51%	52%	-
TRUCKS (24 HOUR B&C)	4%	8%	2%	-
DESIGN SPEED	45 MPH	40 MPH	45 MPH	40 MPH
LEGAL SPEED	40 MPH	35 MPH	40 MPH	35 MPH
DESIGN FUNCTIONAL CLASSIFICATION:	05 MAJOR COLLECTOR (URBAN)	05 MAJOR COLLECTOR (URBAN)	05 MAJOR COLLECTOR (URBAN)	05 MAJOR COLLECTOR (URBAN)
NHS PROJECT	NO	NO	NO	NO

* SHAKERTOWN CONNECTOR HAS A DESIGN SPEED OF 25 MPH

CONTROL POINT	DESCRIPTION	NORTHING	EASTING	ELEVATION
CP1	IRON PIN FOUND-ORIGINALLY CALLED "BPO1" SET BY BARR AND PREVOST	626519.385	1537489.202	803.590
CP2	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	623472.618	1537132.454	832.037
CP3	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	624753.140	1538285.196	795.220
CP4	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	624869.639	1538582.149	798.707
CP5	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	624789.232	1538740.434	801.502
CP6	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	626512.268	1537487.202	803.319
CP7	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	626558.986	1536746.419	815.843
CP8	PRIMARY CONTROL-MAG NAIL SET	626568.700	1536487.722	825.561
CP9	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	626538.191	1536275.712	833.091
CP10	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	626593.973	1536081.296	836.876
CP11	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	626504.425	1537055.730	803.956
CP12	IRON PIN FOUND-ORIGINALLY CALLED "GPC502" SET BY BARR AND PREVOST	626606.149	1535748.922	842.401
CP13	IRON PIN FOUND-ORIGINALLY CALLED "GPC503" SET BY BARR AND PREVOST	626564.617	1536069.944	837.421
CP14	IRON PIN FOUND-ORIGINALLY CALLED "GPC504" SET BY BARR AND PREVOST	626535.870	1536661.350	817.261
CP15	IRON PIN FOUND-ORIGINALLY CALLED "GPC505" SET BY BARR AND PREVOST	626494.708	1537151.443	803.619
CP16	IRON PIN FOUND-ORIGINALLY CALLED "GPC506" SET BY BARR AND PREVOST	624800.611	1538402.839	799.517
CP17	MAG NAIL FOUND-ORIGINALLY CALLED "GPC507" SET BY BARR AND PREVOST	624543.021	1538382.372	798.087
CP18	IRON PIN FOUND-ORIGINALLY CALLED "GPC508" SET BY BARR AND PREVOST	623768.369	1537345.114	808.244
CP19	IRON PIN FOUND-ORIGINALLY CALLED "GPC509" SET BY BARR AND PREVOST	623972.187	1537498.329	798.550

VERTICAL CONTROL WAS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), WITH GEOID 03 USED TO MODEL ELLIPSOID HEIGHTS. VERTICAL CONTROL WAS ESTABLISHED VIA DIFFERENTIAL LEVELING BETWEEN THE "KNOWN" PRIMARY CONTROL POINTS (WHICH WERE ALSO VALIDATED WITH MULTIPLE VRS OBSERVATIONS). WHENEVER POSSIBLE, BENCHMARKS WERE SET IN ACCORDANCE WITH THE CITY OF BEAVERCREEK STANDARDS.

WOOLPERT WAS PROVIDED A TRIANGULATED IRREGULAR NETWORK (TIN) USING EXISTING ODOT AERIAL AND BARR AND PREVOST SURVEY DATA. WOOLPERT CHECKED THIS TIN WITH MULTIPLE CROSS SECTIONS, IN ADDITION TO FILLING IN TROUBLE AREAS WITH OUR OWN CONVENTIONAL TOPOGRAPHIC DATA.

BENCHMARK	DESCRIPTION	NORTHING	EASTING	ELEVATION
BM1	CUT CROSS ON FIRE HYDRANT BOLT	624785.909	1538423.671	800.822
BM2	CUT CROSS ON TOP OF ABUTMENT	624777.278	1538800.199	802.337
BM3	CUT CROSS ON FIRE HYDRANT BOLT	624423.129	1537615.278	795.007
BM4	CUT CROSS ON FIRE HYDRANT BOLT	623436.421	1537082.277	834.985
BM5	CUT CROSS ON FIRE HYDRANT ARROWHEAD	623456.221	1537171.454	832.700
BM6	SPIKE IN POLE #67402	626552.676	1535630.439	845.571
BM7	SPIKE IN POLE #477109	626571.966	1536424.377	828.141
BM8	SPIKE IN POLE #516603	626508.400	1536940.431	805.784
BM9	CUT CROSS ON FIRE HYDRANT ARROWHEAD	626464.129	1537439.584	802.907

CURVE DATA (EX. RW ALPHA-BELLBROOK RD.)

P.I. Sta. 105+92.07	P.I. Sta. 107+52.86
$\Delta = 7^{\circ} 24' 58''$ (RT)	$\Delta = 52^{\circ} 44' 36''$ (RT)
$Dc = 6^{\circ} 09' 07''$	$Dc = 28^{\circ} 14' 09''$
$R = 931.33'$	$R = 202.92'$
$T = 60.36'$	$T = 100.60'$
$L = 120.55'$	$L = 186.80'$
$E = 1.95'$	$E = 23.57'$
$C = 120.46'$	$C = 180.27'$
C.B. = N 16° 35' 45" E	C.B. = N 46° 40' 31" E

- ⑭ PC Sta. 105+31.71
⑮ PCC Sta. 106+52.26
⑯ PT Sta. 108+39.05

CURVE DATA
(YELLOW BRICK RD.)

P.I. Sta. 136+20.34
$\Delta = 10^{\circ} 33' 30''$ (RT)
$Dc = 5^{\circ} 40' 00''$
$R = 1,011.11'$
$T = 93.43'$
$L = 186.32'$
$E = 4.31'$
$C = 186.06'$
C.B. = S 80° 15' 50" E

CURVE DATA
(ALPHA-BELLBROOK RD.)

P.I. Sta. 41+23.42	P.I. Sta. 49+17.36
$\Delta = 32^{\circ} 51' 39''$ (LT)	$\Delta = 35^{\circ} 26' 19''$ (RT)
$Dc = 7^{\circ} 42' 00''$	$Dc = 7^{\circ} 42' 00''$
$R = 744.10'$	$R = 744.10'$
$T = 219.43'$	$T = 237.75'$
$L = 426.76'$	$L = 460.24'$
$E = 31.68'$	$E = 37.06'$
$C = 420.94'$	$C = 452.94'$
C.B. = N 13° 55' 21" E	C.B. = N 15° 12' 41" E

SCHEMATIC PLAN

GRE-CR71-3.52

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164

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

PEL

Meeting Date January 28, 2019	Reference Topic: Resolution 19-19 A Resolution Updating the City's Purchasing Card and Credit Card Policy and Procedures pursuant to House Bill 312 and in Compliance with ORC 717.13(A)
Agenda Reference No.: VI-D	

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other Motion _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The City implemented the purchasing card program in 2009 as a result of a detailed study that using this payment option would be more efficient and reduce overall cost in processing specific transactions. The advantage of the program was the City would receive the required merchandise or services quickly and the vendor would receive payment immediately for small dollar purchases. This was much more efficient than going through the entire purchasing process.

Before the program was implemented, detail policies and procedures were implemented and extensive training was completed for the end users. In addition, there were internal controls placed on the individual cards themselves which limited what the employee could purchase, the transaction limit per transaction and per month. By using an extensive list of merchant purchasing codes imbedded in the system, the City was able to restrict what and where the employees could purchase goods and services.

The City using the request for propose (RFP) system was able to select a vendor to automate, control, summarize and report these transactions. As an added benefit to streamlining the purchasing process and reducing cost, the RFP called for a vendor rebate (or reward) for utilizing the purchasing card if the City exceeded a minimum spending threshold. In the beginning of the program this was .5% of the total purchases over \$500k and subsequently increased to .75%. Since 2011, the City has received rebates from the bank. Over the course of the years, the City has received rebates ranging from \$1,900 to \$4,400 for utilizing this system.

The State Auditor indicated there has been some credit card exceptions and finding for recoveries and also noted that some political subdivisions did not have internal controls on their cards nor had policies and procedures, so their department prompted the State legislator to pass House Bill (HB) 314. As indicated that City has always had extensive internal controls and very strict policies and procedures for utilization and reconciliation of these transactions. The City's policy and procedures were implemented using the Administrative Memorandum format approved by the City Manager. However, under HB 314, the program must be formally adopted by Council.

Therefore, based on the new HB, the City has slightly revised the City's current policy to include some requirements that were not indicated in our present policy. It should be noted that this program has been audited every year since 2009 and there have no exceptions related to the program. Noted in Exhibit A is the revised Purchasing Card Program policy and procedures that we believe placed us in compliance with the new HB.

STAFF RECOMMENDATION: Staff recommends adoption of Resolution 19-01.

**CITY OF BEAVERCREEK
RESOLUTION 19-19**

SPONSORED BY COUNCIL MEMBER _____ ON THE 28th DAY OF
JANUARY, 2019.

**A RESOLUTION UPDATING THE CITY OF BEAVERCREEK'S
PURCHASING CARD AND CREDIT CARD POLICY AND PROCEDURES
PURSUANT TO HOUSE BILL 312 AND IN COMPLIANCE WITH OHIO
REVISED CODE SECTION 717.13(A).**

WHEREAS, the Ohio State Legislature has recently enacted House Bill 312, regulating the use of credit cards by political subdivisions;

WHEREAS, House Bill 312 ("HB 312") further requires the legislative authority of a political subdivision that holds a credit card account to legislatively adopt a written policy, which must comply with the various requirements of Ohio Revised Code Section 717.13, for the use of credit card accounts; and

WHEREAS, HB 312 required political subdivisions to adopt new credit card Policy not later than three months after HB 312's effective date of November 2, 2018; and

WHEREAS, the Council wishes to establish the City's policy pertaining to use of the City Credit Cards in order to comply with current law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO:

SECTION 1.

The City of Beavercreek's Purchasing Card and Credit Card Policy is hereby enacted as set forth in substantially the same form as attached hereto as "Exhibit 1".

SECTION 2.

That said Resolution shall take effect immediately upon its adoption.

ADOPTED by the Beavercreek City Council on this 28th day of January, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

**City of Beavercreek
Purchasing Card and Credit Card Policy**

PURCHASING CARD AND STORE CREDIT CARD PROGRAM BACKGROUND:

The City of Beavercreek has used various methods for small dollar purchases of goods and services required in the field. These methods have proven costly in both dollars and time. The City recognized an opportunity to streamline this process, improve management reporting, and reduce the cost of making small dollar purchases. A number of unique controls have been developed for this program that do not exist in a traditional credit card environment. These controls ensure that the card will only be used for specific purposes and within specific dollar limit. The City will not obtain or maintain any debit cards.

Purchasing Card Program

Purchasing cards allow City employees to acquire small purchases (under \$1,000) using a simplified process to create efficiency and lower the City's overall purchasing costs. The controlled process significantly reduces the cost associated with processing individual requisitions and issuing separate purchase orders for each purchase. The purchasing cards are issued and assigned to a specific employee selected by the Department Directors. Department Directors can request additional purchasing cards and/or increase an employee's limit by completing the "City of Beavercreek Purchasing Card Request/Change Form". (See Exhibit A).

All cardholders have limits, defined by the Finance Department, and are enforced at the point of purchase. These controls include individual transaction amounts, monthly cycle limits and restrictions on types of goods or services that can be purchased.

Every employee (cardholder) must complete extensive training concerning the card procedures, with emphasis placed on internal accounting controls, policies and procedures. In addition, before the cardholder's card is activated, they must sign a "Cardholder Agreement" (See Exhibit B) which details the restrictions of the card and outlines the cardholder's responsibilities.

Credit Card (or Store Account) Program

Store issued credit cards (such as Tractor Supply, Lowes, Barney's etc.) are cards that allow the holder to efficiently purchase goods or services on credit and are subject to controls, and policies and procedures as outlined below. Store cards that have a physical card are in the custody of a department's Administrative Assistant who is responsible for it's and physical custody. For store accounts that do not utilize physical cards (i.e. Barney's), the Department's Director (or designated Supervisor) must give consent for an employee to make a purchase(s).

The success of the City of Beavercreek Purchasing Card Program relies on the cooperation and professionalism of all personnel associated with this initiative. The Cardholder is the most important participant and is the key element in making this program successful.

The procedures established herein are intended as minimum standards. Departments may wish to establish additional controls beyond those suggested here.

PURPOSE OF PURCHASING CARD PROGRAM:

To establish a procedure which departments will control the use of Purchasing Cards assigned to and utilized by City employees for purchasing non-stock materials and services. These procedures are intended to accomplish the following:

1. To ensure the procurement with Purchasing Cards is accomplished in accordance with the policy and procedures established by the Finance Department.
2. To enhance productivity, significantly reduce paperwork, improve controls, and reduce the overall cost associated with small purchases.
3. To ensure appropriate internal controls are established within each department procuring with Purchasing Cards so they are used only for authorized purposes.
4. To have timely and meaningful management reports which detail and summarize periodic activity.
5. To ensure the City bears no legal liability from inappropriate use of Purchasing Cards.

**City of Beavercreek
Purchasing Card and Credit Card Policy**

6. To provide a convenient method for small purchases, consolidate payments, improve customer service, reduce transaction cost, streamline processes, and capture spending information.

BACKGROUND:

The City of Beavercreek has used various methods to accomplish small purchases of goods and services required in the field. These methods have proven costly in both dollars and time. The City recognized an opportunity to streamline processes, improve management reporting, and reduce the cost of making small dollar purchases.

A number of unique controls have been developed for this program that do not exist in a traditional credit card environment. These controls ensure that the card can be used only for specific purposes and within specific dollar limits.

In addition, all purchases require certification by each Cardholder, with verification performed by the Director before payment is made to the Purchasing Card Vendor.

BENEFITS:

There are many benefits to using the Purchasing and Store Credit Cards for small dollar purchases including:

1. The City of Beavercreek benefits:
 - Simplifies the purchasing process for small purchases, freeing time for large dollar purchases.
 - Lowers the overall transaction processing cost per purchase.
 - Increases level of accountability.
 - Provides management information electronically.
 - Reduces audit exceptions of purchase orders being produced after invoice date.
2. The Employee or Cardholder benefits:
 - Convenience of purchasing without a purchase order.
 - Expedites the delivery of goods or services to the job site.
 - Expands the list of merchants from whom purchases can be made.
3. Merchant benefits:
 - Expedites payment to the merchant.
 - Reduces paperwork.

PURCHASING CARD ESTABLISHED LIMITS & RESTRICTIONS:

The following limits were uniquely established:

1. The cardholders have been assigned a specific cycle limit amount that can be charged in one cycle period (normally 30 days). If the cardholder were to exceed the limit, the card would be rejected at the point of sale.
2. The cardholders have been assigned a single transaction limit. A predetermined dollar amount was established by the Department Director and the Financial Administrative Services Director (FASD) for any single transaction normally not to exceed \$1,000 (or a lesser as determined by Director) per transaction. Cardholders shall not split transactions to stay within their limits. Transaction limits greater than \$1,000 may be authorized if the limits are pre-approved by the Department Director and the FASD. **However, capital items (fixed assets) over \$1,000 cannot be purchased using the Purchasing Card and must go through the normal purchasing system.**
3. In most cases, Purchasing Cards will have a maximum dollar amount limit of \$1,000 for each single purchase. This limit will automatically be checked each time a merchant processes a transaction for approval. Authorization will be denied at the point of sale if the purchase exceeds the established limit. Department Directors may establish lower limits for their employees at their own discretion.
4. The City has also placed restrictions on the type of transactions the cardholder can make with a City purchasing card. These are restricted by Merchant Category Codes (MCC). Merchant codes are assigned an MCC by MasterCard. This code identifies the primary type of goods or services they

**City of Beavercreek
Purchasing Card and Credit Card Policy**

provide. The MCC are designed to offer every combination possible. Restricted purchases will be blocked at the point of sale if the cardholder attempts to purchase an item that has a restricted MCC code.

5. See Exhibit E for a list of authorized position and transaction limits.

STORE CREDIT CARD ESTABLISHED LIMITS & RESTRICTIONS:

1. All Store Credit Card accounts shall have an established maximum monthly credit limit that cannot be exceeded.
2. All Store Credit Cards must have the name "City of Beavercreek" printed on the card itself.
3. Purchases are limited to small dollar purchases of goods and services required in the field in real time.
4. Use of Store Credit Cards must be authorized by the Department Director or his or her designee. Each department that has physical custody of Store Credit Cards must have processes and procedures in place for card(s) to be issued and utilized by an employee including a log documenting who was issued a card and when it was returned to the keeper of the card.

EXCLUDED PURCHASING CARD AND STORE CREDIT CARD TRANSACTIONS:

The following types of transactions are specifically excluded from the program:

- Personal use
- Car repairs (except when coordinated through Vehicle Maintenance)
- Cash advances
- Alcohol, over the counter medications, or prescriptions
- Any purchase that is **not** for a proper public purpose
- Items not allowed through the City's normal purchase order procedure
- Medical services
- Any capital item/equipment with a cost greater than \$1,000.00

The following types of transactions require advance department authorization:

- Computer hardware and/or software – requires approval with the FASD.
- Travel and Training expenses such as hotel or transportation reservations and registrations – requires approval of the travel by the City Manager.

TRAINING:

All Cardholders and Store Credit Card users will complete training before they are issued a Purchasing Card or use a Store Credit Card. Card procedures and training program will familiarize Cardholders with all policies and procedures regarding the use of the Purchasing Card and is a key factor in making this program a success. Participating in the Purchasing and Store Credit Card Program is a privilege being offered by the City. If the Finance Department becomes aware of any inappropriate or non-compliance with the policies and procedures, a Cardholder's privileges may be cancelled.

**City of Beavercreek
Purchasing Card and Credit Card Policy**

PURCHASING CARD PROCEDURES

USE OF PURCHASING CARD:

THE PURCHASING CARD IS TO BE USED FOR CITY PURCHASES ONLY. CASH ADVANCES THROUGH BANK TELLERS OR AUTOMATED TELLER MACHINES IS PROHIBITED:

The Purchasing Card will not be used for personal purchases of any kind. Use of the Purchasing Card for personal purchases or expenses with the intention of reimbursing the City is prohibited.

Each Purchasing Card is embossed with the Cardholder's name and shall not be lent to any other person. Cardholders are responsible for the security of their Purchasing Card. All precautions shall be used to maintain confidentiality of the Cardholder's account number and expiration date of the Purchasing Card.

A single purchase may comprise multiple items. Unless previously approved, the total amount of each single purchase may not exceed the limit of \$1,000 or a lesser amount as established by the department head. Purchases will be denied at the point of purchase if the limit is exceeded. **Do not split transactions to get below your single transaction limit.**

When using the Purchasing Card, the Cardholder should:

1. Maintain the purchasing card in a secure location at all times.
2. Ensure the goods or services to be purchased are budgeted and allowable.
3. Determine if the intended purchase is within the Cardholder's Purchasing Card limits.
4. Tell the supplier/merchant the purchase will be made using the MasterCard Purchasing Card issued by Purchasing Card Issuer through the City of Beavercreek. Obtain a sales receipt for all purchases.
5. Complete the Purchasing Card Activity Log (if applicable) throughout the month to reconcile to the monthly bank statement (Exhibit C)
6. Inform the merchant the purchase is tax exempt. The tax exempt number is on the Purchasing Card. Review the receipt before leaving the store and request a credit if taxes were charged in error.
7. When using the Purchasing Card for travel, membership dues, conferences, training, or other transactions that require prior approval, make sure all appropriate forms are completed and approved prior to making the purchase.

When placing telephone/mail orders/internet orders, the Cardholder should:

1. Inform the supplier the purchase is tax exempt and provide the tax exempt number, if necessary. Purchases made in Ohio and for use in Ohio are exempt from sales and use taxes. Check all receipts and invoices to ensure that taxes have not been charged in error. If taxes have been charged, contact the supplier and request a credit be processed for the amount of the tax charged.
2. Make sure the merchant understands the charges are not to be billed until the items have been shipped. Ohio law prohibits payment to a merchant prior to receipt of goods or services except in specific circumstances.
3. If items are back ordered, remind the merchant the Purchasing Card cannot be billed until the back ordered items have been shipped.
4. To ensure prompt delivery of items ordered by telephone or mail, provide the merchant with the appropriate delivery information. Request your name and delivery location are clearly marked on the outside of the package.
5. Instruct the merchant to send the sales receipt directly to the Cardholder. Invoices are not to be sent to Finance since the merchant will be paid by Purchasing Card Issuer.
6. Tell the merchant any shipping or delivery fees must be included in the unit price-FOB: Destination (City of Beavercreek).
7. The Cardholder is responsible for managing any returns or exchanges and ensuring proper credit is received for returned merchandise. The Cardholder should contact the vendor to obtain instructions for returned and review the next card statement to that the return was properly credited.

**City of Beavercreek
Purchasing Card and Credit Card Policy**

8. When using the internet, most sites will have an option to allow you to print a receipt at the end of the transaction. If you are paying for a membership or printed material, some professional organizations may not provide this option and you will have to use the "print screen" option to so you have documentation to support the charge.

USE OF STORE CREDIT CARD:

Charges made for purchases via store accounts are subject to the same policies, procedures and controls as outlined above under "USE OF PURCHASING CARD."

MISUSING THE PURCHASING CARD OR STORE CREDIT CARDS:

The Purchasing Card or Store Credit cards represents the City's trust in the employee and his/her empowerment as a responsible employee of the City to safeguard and protect its assets. Each employee assumes the responsibility of the protection and proper use of these cards.

The following situations are considered "misuse" of a card:

- Personal use - Purchases made using the card for the sole benefit of the employee; clothing and food not authorized by the employee's director or supervisor. (If an employee accidentally uses the card in error, the employee is to promptly notify their immediate supervisor and Finance and reimburse the City. A repeated error will be considered misuse.
- "Loaning" out the card - Assignment, transfer or "loaning" of an individual purchasing card to an unauthorized person or to a suspended or terminated employee.
- Administrative misuse - Lack of proper or timely reconciliation of individual accounts or exceeding card limit.

Misuse of the cards will be handled properly and uniformly for all cardholders or administrative staff. Based upon the severity of misuse, disciplinary measures may include personnel action up to and including, termination and legal action in accordance with the terms and conditions of the Policy and the personnel rules.

The use of a purchasing card or store credit card beyond those authorized by the City constitutes misuse. Misuse by an officer or employee with the purpose to defraud, is a violation of section 2913.21 of the Revised Code.

DOCUMENTATION, RECONCILIATION, & PAYMENT PROCEDURES:

It is important to the success of the Purchasing Card Program that Cardholders adhere to the following procedures. Failure to keep adequate receipts or frequent abuse of these provisions will result in the cancellation of the Cardholder's Purchasing Card.

1. **Documentation** - Any time a purchase is made with the Purchasing Card, the Cardholder must obtain a customer copy of the charge slip, which will become the accountable document. Yellow folders have been provided for each cardholder to place their receipts pending statement reconciliation.
2. **Missing Documentation** - If the Cardholder does not have a receipt or documentation to submit with the statement, a full description of the item(s), and an explanation for the missing support documents must be submitted with the Cardholder's statement. The employee's supervisor will also need to sign the memo. Frequent instances of missing documentation will cause a Cardholder's Purchasing Card privilege to be revoked.
3. **Payment & Invoice Procedures** - Purchases made by employees will be paid by the Finance Department after the Cardholder certifies all transactions are properly coded and approved by the cardholder as well as the Department/Division supervisor.
 - A. The Purchasing Card receipt or vendor's sales receipt must be supplied. When purchases are conducted by telephone, request the vendor to forward the receipt to you. All receipts are to be stapled to the monthly statement in the order they appear on the statement. Failure to keep

**City of Beavercreek
Purchasing Card and Credit Card Policy**

adequate receipts will result in the loss of Purchasing Card privileges. If a receipt is lost, attach support documents as described in Missing Documentation #2.

- B. At the end of each billing cycle (normally the second business day of the month), the cardholder statement will be available on 5/3rd Smart Data On-Line System (SDG2). (Procedures for retrieving this statement will be provided to each purchasing card holder). The statement will list all items processed in the cycle (normally 30 days).
- C. Within three (3) business days after the billing cycle, the Cardholder is required to download the statement and verify the transactions to existing supporting documentation (receipts). Specific description of the items must be entered. In addition, transaction accounting codes must be entered and must include the fund, division and object codes for each transaction. Once all transactions are verified and subsequently approved by the Department Director, a copy of the statement will be printed and the receipts will be attached to the statement. The cardholder will then sign the statement.
- D. The cardholder will then provide the statement to his supervisor for review and final approval. The Department Director or designee will review all Cardholders' statements, verify account numbers, as well as all receipts and support documentation. Within three (3) days of receipt from the Cardholder, the approving official will forward all statements to the Finance Department.
- E. If travel, vacation, or extended leave is scheduled at the time the statement is due, it is the Cardholder's responsibility to provide his/her supervisor with all receipts and documentation prior to the scheduled departure. The supervisor will be responsible for verifying the transactions and forwarding a copy of the statement to the Finance Department. Upon the cardholder's return, the Cardholder will review and sign the original statement and forward it to Finance.
- F. The Department Director will be responsible for receiving completed statements from all Cardholders, verifying purchase approval, resolving any questions on the purchases, signing the statements, and forwarding the complete statements with all attachments to Finance within three (3) business days. If all statements are not received by the Director, it will be their responsibility to contact the Cardholder and have the statement furnished at once. If a Cardholder had no purchase activity on his card for a billing cycle, no statement will be generated unless adjustments for previously billed transactions are processed during the cycle. **All statements with attachments must be in Finance by the 10th day of the month.** Statements for each department should be submitted together. However, if one or more statements are delayed, the remaining statements should not be held.

DOCUMENTATION, RECONCILIATION, & PAYMENT PROCEDURES FOR STORE CREDIT CARDS:

The same policies, procedures and controls as outlined above also apply to store accounts with the exception of recording and authorizing transactions via 5/3rd Smart Data On-Line System (SDG2). Receipts for these types of purchases must be coded, authorized by Department Head and forwarded on to the Finance Department for processing.

**City of Beavercreek
Purchasing Card and Credit Card Policy**

APPROVAL PURCHASING CARD AND STORE CREDIT CARDS:

The Department Director because of their knowledge of the job responsibilities of the Cardholders, will review each transaction on the statement. At a minimum, the items, vendor, account number, and object code will be reviewed to determine if the purchase was made for Official Use and in accordance with policies and procedures.

If for any reason the approving official questions the purchases, they must resolve the issue with the Cardholder. If it cannot be determined that the purchase was necessary for Official Use, and in accordance with policies and procedures, the Cardholder must provide a Credit Voucher proving the items have been returned for credit. Disciplinary action will be applied as noted in the "MISUSING THE PURCHASING CARD OR STORE CREDIT CARDS" section.

DISPUTES & UNAUTHORIZED CHARGES PURCHASING CARDS:

If a suspicious charge appears on a monthly statement, the Cardholder should first attempt to verify the charge with purchase records. If the Cardholder still does not agree with the charge posted on the statement, the Cardholder must notify the bank in writing, using the "Cardholder Dispute Form" (See Exhibit D). The bank will research the disputed charge and make the necessary adjustments. The "Cardholder Dispute Form" must be attached to the statement in question. The Department Director is responsible for ensuring the dispute forms have been faxed to the bank by the Cardholder and to keep a copy of the dispute form and fax confirmation on file until the transaction is resolved.

When the Purchasing Card Issuer receives proper notification of a disputed charge, the charge amount will be removed from the total owed by the City and shown on the monthly statement as a "disputed" item. When the dispute is resolved, the charge will either be removed from the monthly statement or charged to the Cardholder's department.

If items purchased with the Purchasing Card are defective or the repair or services was found to be faulty, the Cardholder has the responsibility to return the items to the merchant for replacement or credit. CASH REFUNDS WILL NOT BE PERMITTED. If the merchant refuses to replace or correct the faulty item, the purchase of this item will be considered to be in dispute.

In addition to noting the disputed item on the statement, the "Cardholder Dispute Form" and any supporting documents must be attached to the statement. Finance will notify the Cardholder and Department Director of the action taken on disputed items.

It is essential the time frames and documentation requirements established by Purchasing Card Issuer be followed to protect the Cardholder's rights in dispute. Dispute policies and procedures issued by the Purchasing Card Issuer will be provided at the time the Purchasing Cards are issued to Cardholders.

DISPUTES & UNAUTHORIZED CHARGES STORE CREDIT CARDS:

Each cycle, as store credit card statements are received, the Account Clerk in Finance audits every purchase to ensure that each transaction was initiated by a City of Beavercreek employee, that there is an itemized receipt with the signature of the purchaser, that it is for a proper public purpose, that both the Department Director (or his or her designee) and the Financial Administrative Director has authorized every single transaction and that each transaction has been coded with the appropriate General Ledger number.

**City of Beavercreek
Purchasing Card and Credit Card Policy**

REQUEST FOR INITIAL, ADDITIONAL, OR CHANGES TO PURCHASING CARD:

All requests for new Cardholders or changes to current Cardholders will be done by submitting a "City of Beavercreek Purchasing Card Request/Change Form" (See Exhibit A). The form will be processed through the Finance Department for review and approval. The request will be forwarded to Purchasing Card Issuer and Finance will be notified when the changes have been made.

All requests for Purchasing Cards must be approved by the Department Directors and the FASD.

When Finance receives the Purchasing Card from the Purchasing Card Issuer, the Cardholder will be required to go through the appropriate training and sign the Cardholder Agreement form. Finance will notify the appropriate Director of the issuance of the card to an employee.

SECURITY/LOST OR STOLEN PURCHASING CARDS:

Protection of the Card, the Card account number, and Card expiration date are extremely important to the City and to the Cardholder. Each Cardholder is responsible for the security of his/her Card.

It is the responsibility of the Cardholder to immediately notify the Purchasing Card Issuer and the Finance Department of a lost or stolen Purchasing Card. The procedure for notifying the Purchasing Card Issuer will be provided when the Purchasing Card is issued.

Failure to promptly notify the issuing bank of the theft or loss of the Purchasing Card could make the City responsible for any fraudulent use of the card and result in the loss of privileges for the Cardholder.

If a Cardholder is absent for a period of time, the Department should follow the procedures on card issuance to temporarily or permanently obtain a Card for another designated employee.

Please Note: The only time notification directly to the servicing bank is necessary is when a card is lost or stolen. All other problems should be reported to the Purchasing Card Administrator in Finance.

TERMINATION OR TRANSFER:

Upon termination of employment for any reason, a Cardholder must relinquish their Purchasing Card at the time of separation from the City. The Department Director will notify Finance of the termination. Finance will notify the Purchasing Card Issuer and the Cardholder's card will be immediately deactivated. A Cardholder who fraudulently uses the Purchasing Card after separation from the City will be subject to legal action.

If a Cardholder is transferred within the City, but under another Department Director, it will be the responsibility of the Director to determine if the Cardholder should retain a Purchasing Card. If it is determined the Cardholder should retain the card, the master file can be changed upon notification to Finance, eliminating the need to issue a new Purchasing Card.

If a Purchasing Card is cancelled for any reason, it must be forwarded to Finance for destruction. This is accomplished by cutting the card down the magnetic strip.

PURCHASING CARDS CASH BACK REWARDS:

5th3rd Bank pays a yearly cash rebate of .75% based on a spending threshold of \$500,000, which is the annual minimum spend to earn the rebate per our Commercial Card agreement. When a rebate is earned, a calculation is done to prorate the rebate to each department based on the total dollar amount of all their transactions to total citywide transactions. The Administrative Services Director, or their designee, shall file a report with City Council detailing all rewards received based on the City of Beavercreek's annual Purchasing Card usage.

**City of Beavercreek
Purchasing Card and Credit Card Policy**

ANNUAL INVENTORY OF PURCHASING CARDS:

On an annual basis, Finance will provide a list of Purchasing Cards issued to employees for each department. Finance will conduct a physical inventory of Purchasing Cards and notify the Department Directors of any discrepancies.

QUARTERLY INVENTORY OF STORE CREDIT CARDS:

A quarterly review will be completed by the Finance Department's Account Clerk who will review and confirm the number of active Store Credit Cards, confirm who has custody of the card(s), the credit limit for each account, and expiration dates. The Account Clerk shall not have the ability to authorize use of a Store Credit Card by an individual nor shall they be authorized to use a Store Credit Card.

AUDITS:

Random audits will be conducted on card activity and receipt retention. In addition, statements may be reviewed by Finance and the City's external Auditors.

MERCHANT SIGN-UP:

It is important to the success of the Purchasing Card Program that merchants interested in doing business with the City via the Purchasing Card receive assistance in doing so. If merchants currently accept MasterCard credit cards, they are already equipped to accept the City's Purchasing Card. Merchants who are not accepting MasterCard credit cards can be directed to their own financial institution, or other merchant service provider.

**City of Beavercreek
Purchasing Card and Credit Card Policy**

EMPLOYEE CERTIFICATION

I, _____ certify that I have received
(Printed Name)

Purchasing Card and Credit Card Policy

In addition, the Purchasing Card and Credit Card Policy can be found on the “Q” drive under the folder labeled “Policies.”

Employee Signature

Date

Please forward signed Employee Certification Page to Human Resource Department

CITY OF BEAVERCREEK PURCHASING CARD REQUEST/CHANGE FORM

☐ New

☐ Change (Complete only the fields to be changed)

☐ Cancel Provide Card holder Account # _____

CARDHOLDER INFORMATION

Cardholder Name _____
(full time employees only)

Department _____

Division _____

CARDHOLDER CONTROLS

Annual Credit Limit \$ _____

Daily Purchase Limit \$ _____

Single Transaction Purchase Limit \$ _____

Maximum Number of Transactions per \$ _____

Travel Authorization (required entry) Yes _____ No _____

CARDHOLDER SIGNATURE/DEPARTMENT APPROVALS

Employee Signature _____

Department Director _____

Financial Administrative Services Director _____

City Procurement Card Administrator Use Only

City Procurement Card Administrator _____ Date _____

Date Cardholder Training Completed _____ Date Card Issued _____

Card Number issued _____

CITY OF BEAVERCREEK CARDHOLDER AGREEMENT

Please review the terms stated below and sign:

I agree to use this Purchasing Card only for actual and necessary City of Beavercreek business expenses incurred by me in accordance with the City of Beavercreek's Purchasing Card Procedures. Cash advances through bank tellers or automated teller machines are prohibited.

I have read the Purchasing Card Policies and Procedures and have completed purchasing card training. I agree to abide by the policies and procedures contained therein. I am responsible for the security and confidentiality of my card number and will not allow anyone else to use it. **I acknowledge the use of this card for any purpose other than City of Beavercreek approved business expenses are prohibited and will be grounds for disciplinary action or termination. In addition, I must reimburse the City of Beavercreek for such charges.** Use of this card for travel and other public business is governed and limited by the City's Travel Policies, Regulations and Procedures. It is my responsibility to be aware of the requirements of these policies and procedures and to use this card only in conformance therewith.

I understand the City of Beavercreek may terminate my right to use this card at any time for any reason. I agree to return the Purchasing Card immediately upon request or upon termination of my employment. I understand that use of the Purchasing Card after privileges have been withdrawn is prohibited.

If the card is lost, stolen, or I become aware of fraudulent transactions, I will immediately notify the Finance Department at (937) 427-5511. I understand failure to promptly notify the Finance Department of the theft, lost, or misplacement of the Purchasing Card could make me responsible for any fraudulent use of this card.

Use of this Purchasing Card is limited to: \$ _____ per transaction in accordance with my spending approval limits and procedures. In addition, my total monthly cycle limit is \$ _____. Split transactions for the purpose of avoiding transaction limits are prohibited.

As an authorized cardholder, I have read, understand, and agree to comply with the terms and conditions of this Agreement and the City's Purchasing Policies and Procedures.

Cardholder: _____
(Print Name)

Signature: _____

Date: _____

Department: _____ Phone/Extension Number: _____

Card Number: _____ Expiration Date: _____

PURCHASING ACTIVITY LOG

Transaction Date	Vendor Name Location/Phone number	Description of Purchase or Return	Date Received (Returned)	GL Account Number	Total Purchase Amount

Cardholder
Signature

Date

Department Director
Signature

Date

Purchasing Card Administrator
Signature

Fifth Third Credit Multi-Card Dispute Form

Thank you for contacting us regarding a dispute on your Visa/MasterCard. Please complete the form and indicate the circumstances that apply to your dispute. Mail or fax the completed form to:

Fifth Third Bank Madisonville Operation Center Mail Drop 1MOC2G Cincinnati, OH 45263 Fax: (513) 358-7327

I. Report Taken By: _____ Telephone #: _____ Date: _____ Time: _____
Card Number: _____ Cardholder's Name: _____
Transaction Date: _____ Dollar Amount: _____
Merchant Name: _____

II. Please check the ONE category that best describes your dispute:

- ☐ I certify that I did not make or participate in this purchase.
- ☐ The purchase was made by cash, check, or credit card, but also appeared on my statement. A copy of a) the cash receipt, or b) the front and back of the cancelled check, or c) the statement on which the purchase appears is **REQUIRED**.
- ☐ The amount I purchased differs from the amount billed. (A copy of the sales slip or packing invoice for mail orders is **REQUIRED**.)
- ☐ I have returned the merchandise and a copy of the credit slip is attached.
- ☐ I have returned the merchandise on _____ and have not received a credit slip/acknowledgement of return. (Please provide proof of return.) The Merchant's response to the return was _____
- ☐ I have not received the merchandise. The expected delivery date is/was _____. I contacted the merchant on _____ and their response was _____
- ☐ I have not received the expected services. (Explain in full on separate sheet of paper.)
- ☐ The merchandise received was defective and was returned on _____. I contacted the merchant on _____ and their response was _____
(PROOF OF RETURN AND EXPLANATION OF DEFECT IS REQUIRED.)
- ☐ I attempted to cancel this purchase with the merchant on _____.
The merchant's reply was _____
(PLEASE INCLUDE COPIES OF ANY CORRESPONDENCE BETWEEN YOU AND THE MERCHANT.)
- ☐ This sale was a cancelled hotel reservation. My cancellation number is # _____.
Date of cancellation _____.
(If no cancellation number given, please explain in full on.)
- ☐ Only one sale was authorized. The amount in question is a duplicate of a sale charged to my account on _____. The card(s) is/are still in my possession.

III. YOUR SIGNATURE MUST APPEAR BELOW IN ORDER FOR REQUEST TO BE PROCESSED.

Date Home Phone # _____

Signature Work Phone # _____

NOTE: Please provide a detailed explanation of the above dispute. See second page.

EXHIBIT D

EXHIBIT E**CITY OF BEAVERCREEK - ACTIVE PURCHASING CARD HOLDERS**

CARD HOLDER	MAX TRANSACTION	CYCLE MAX
ACCOUNT CLERK	\$ 1,000	\$ 5,000
ADMIN ASSISTANT - GOLF COURSE	\$ 1,000	\$ 10,000
ADMIN ASSISTANT TO POLICE CHIEF	\$ 1,000	\$ 10,000
ASSISTANT SUPERINTENDENT	\$ 1,000	\$ 10,000
ASSISTANT SUPERINTENDENT	\$ 1,000	\$ 10,000
BUILDING AND GROUNDS TECHNICIAN	\$ 500	\$ 5,000
CABLE COMMUNICATIONS CORRDNATOR	\$ 1,000	\$ 5,000
CAPTAIN	\$ 1,000	\$ 5,000
CAPTAIN	\$ 1,000	\$ 5,000
CAPTAIN	\$ 1,000	\$ 50,000
CITY MANAGER	\$ 1,000	\$ 25,000
CLERK OF COUNCIL	\$ 1,000	\$ 10,000
EXECUTIVE ASSISTANT TO CITY MANAGER	\$ 1,000	\$ 5,000
FINANCIAL ADMIN SERVICES DIRECTOR	\$ 25,000	\$ 25,000
FINANCIAL ADMIN SERVICES DIRECTOR - AP	\$ 300,000	\$ 300,000
FISCAL OFFICER	\$ 1,000	\$ 25,000
FOOD & BEVERAGE MANAGER	\$ 1,000	\$ 10,000
GOLF COURSE MANAGER	\$ 1,000	\$ 10,000
GOLF SUPERINTENDENT	\$ 1,000	\$ 5,000
HUMAN RESOURCE MANAGER	\$ 1,000	\$ 10,000
MECHANIC	\$ 500	\$ 2,500
PLANNING COORDINATOR	\$ 1,000	\$ 5,000
POLICE - PRISONER TRANSPORTS	\$ 1,000	\$ 5,000
POLICE CHIEF	\$ 1,000	\$ 10,000
POLICE OFFICER	\$ 1,000	\$ 5,000
PUBLIC ADMINISTRATIVE SERVICES DIRECTOR	\$ 1,000	\$ 10,000
RECREATION PROGRAM SUPERVISOR	\$ 1,000	\$ 5,000
SARGENT	\$ 500	\$ 10,000
SECRETARY - ENGINEERING	\$ 500	\$ 5,000
SECRETARY - PARKS & REC	\$ 1,000	\$ 5,000
SECRETARY - PUBLIC SERVICE	\$ 1,000	\$ 12,000
SECRETARY - SR CENTER	\$ 1,000	\$ 10,000
SENIOR CENTER COORDINATOR	\$ 500	\$ 5,000
SENIOR CENTER SUPERVISOR	\$ 500	\$ 5,000
SOUS CHEF	\$ 1,000	\$ 5,000
CHEF	\$ 1,000	\$ 10,000
SUPERINTENDANT - PUBLIC SERVICE	\$ 1,000	\$ 10,000
SUPERINTENDENT - PARKS	\$ 1,000	\$ 5,000
TECHNICAL SERVICES COORDINATOR	\$ 1,000	\$ 5,000

Revised 1/2019

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

PBL

Meeting Date: January 28, 2019	Reference Topic: Ordinance No. 19-01 TO AMEND THE ANNUAL APPROPRIATIONS FOR THE CITY OF BEAVERCREEK, STATE OF OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019, AND TO AMEND ORDINANCE 18-28.
Agenda Reference No.: VI-E.	

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other Motion _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Human Resources
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Golf Course
<input type="checkbox"/> Police	<input checked="" type="checkbox"/> Public Service	<input type="checkbox"/> City Manager

BACKGROUND AND STAFF SUMMARY:

While finalizing the annual appropriations for submittal to the County Auditor, a formula error occurred with the beginning fund balance calculation for the Street Maintenance Fund (204). This resulted in the available fund balance to being overstated by approximately \$650,000. However, when the budget was being created capital improvements were included in the budget utilizing these funds. To correct this error, either expenditures have to be reduced in this fund or some of the projects need to be reassigned to other funds to bring the Street Maintenance Fund (204) fund balance to an acceptable level. A detailed review was completed to determine the priority of projects, state and local grant fund timing, and lead times for projects. It was determined, that one of the larger projects in the Street Levy Fund (203), could be delayed and rebudgeted in 2020 without affecting the timing of the project and still meet the state and local grant funding requirements. This delay will have no impact on the construction phase of this project as the bids can still be completed and the construction start date commencing at the beginning of the construction season in early 2020 as originally programmed. The following is a summary of the project that will be delayed and the transfer of projects from the Street Maintenance Fund (204) to the Street Levy Fund (203).

Projects to be delayed to 2020:

Kemp Road Widening Construction	\$2,700,000
(Grant Funding – OPWC/MVRPC)	\$1,897,610

Projects to be reassigned from Street Maintenance Fund (204) to Street Levy Fund (203)

Old Mill Lane Bridge	\$350,000
Knoll Drive Stormwater	\$400,000
Total	\$750,000

With these amendments to the 2019 appropriation ordinance the City will be in compliance with fund balance requirements.

STAFF RECOMMENDATION: Staff recommends adoption of Ordinance 19-01.

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 19-01

SPONSORED BY COUNCIL MEMBER _____ ON THE 28th
DAY OF JANUARY, 2019.

**TO AMEND THE ANNUAL APPROPRIATIONS FOR THE CITY OF
BEAVERCREEK, STATE OF OHIO, FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019
AND TO AMEND ORDINANCE 18-28.**

WHEREAS, the annual appropriations for 2019 was authorized in Ordinances 18-28 and it is now the desire to amend these appropriations, and

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

That to provide for current expenses and other expenditures of the City of Beavercreek during said fiscal year ending December 31, 2019, the following amounts appropriated in Ordinance 18-28 are hereby amended and the recertification of revenue are hereby authorized, while preserving all other appropriations as previously approved.

REVENUE FUND (FUND #)	INCREASE/(DECREASE) REVENUE CERTIFICATIONS
STREET LEVY FUND (203)	(\$1,897,610)
TOTAL:	(\$1,897,610)

EXPENSE FUND (FUND #)	INCREASE/(DECREASE) APPROPRIATIONS
STREET LEVY FUND (203)	(\$1,950,000)
STREET MAINTENANCE FUND (204)	(\$ 750,000)
TOTAL:	(\$2,700,000)

SECTION II.

In order to conform to the amendments detailed in Section I with the schedule of 2019 annual appropriations previously approved, the Financial Administrative Services Director is hereby directed to prepare and certify a restatement of annual appropriations reflecting all approved appropriations and transfers and certify the above noted revenue.

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal

requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

SECTION IV.

This supplement to the Annual Appropriation Ordinance shall take effect upon adoption, in accordance with Sections 10.04 and 10.10 of the Beavercreek City Charter.

PASSED this 28th day of January, 2019.

Bob Stone, Mayor

Dianne Miscisin, Clerk of Council

ORD 19-01

SUMMARY

AN ORDINANCE TO AMEND THE ANNUAL APPROPRIATIONS FOR THE CITY OF BEAVERCREEK, OHIO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019 AND TO AMEND ORDINANCE 18-28.

THIS IS AN ADMENDMENT TO THE 2019 ANNUAL APPROPRIATION ORDINANCE AND SO IN ACCORDANCE WITH SECTION 10.10 OF THE BEAVERCREEK CITY CHARTER WILL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

PCC

CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: January 28, 2019 Agenda Reference No: VII. A.	Reference Topic: Request for New Liquor Permit for Flyby LLC DBA Flyby BBQ
	Accept Without Comment

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input checked="" type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Ohio Division of Liquor Control sent police notification reference a new D5 liquor permit for Flyby LLC DBA Flyby BBQ, 2733 Fairfield Commons, STE 3A, Beavercreek, Ohio 45431. The records checks required by the Ohio Department of Commerce - Division of Liquor Control were conducted on the business officers/shareholders for this application request.

STAFF RECOMMENDATION:

Staff is recommending this application request move forward without comment.

NOTICE TO LEGISLATIVE
AUTHORITY

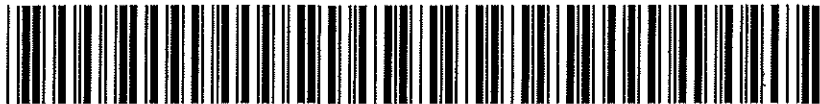
OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3168

TO

2791901		NEW	FLYBY LLC DBA FLYBY BBO 2733 FAIRFIELD COMMONS BLVD STE 3A BEAVERCREEK OH 45431
PERMIT NUMBER		TYPE	
ISSUE DATE			
01 03 2019			
FILING DATE			
D5			
PERMIT CLASSES			
29	005	A	C17900
TAX DISTRICT		RECEIPT NO.	

FROM 01/11/2019

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	



MAILED 01/11/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 02/11/2019

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **A NEW 2791901**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF BEAVERCREEK CITY COUNCIL
1368 RESEARCH PARK DR
BEAVERCREEK OHIO 45432

Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	<u>ORC 4303.13</u> Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	<u>ORC 4303.14</u> Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	<u>ORC 4303.141</u> (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	<u>ORC 4303.15</u> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<u>ORC 4303.151</u> (Grandfathered Permit) Wine only for on premises consumption until 1:00am.
D3A	\$938	<u>ORC 4303.16</u> Extend issued permit privileges until 2:30am.
D5	\$2,344	<u>ORC 4303.18</u> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant meeting certain criteria.
D7	\$469	<u>ORC 4303.183</u> (Same as D5). RESORT area only.

>Club

Permit Class	Permit Fee	Description
D4	\$469	<u>ORC 4303.17</u> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	<u>ORC 4303.171</u> Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	<u>ORC 4303.181</u> (Same as D5.)(This class can no longer be applied for.)
D5D	\$2,344	<u>ORC 4303.181</u> (Same as D5) located at airport.

Hotel And Motel

Permit Class	Permit Fee	Description
D5A	\$2,344	<u>ORC 4303.181</u> (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

Enclosed Shopping Mall

Permit Class	Permit Fee	Description
D5B	\$2,344	<u>ORC 4303.181</u> (Same as D5) for enclosed shopping mall.

River Boats

Permit Class	Permit Fee	Description
D5E	\$1,219	<u>ORC 4303.181</u> (Same as D5). Historical river boat owned by charitable organization only.



CITY COUNCIL
Regular Meeting – February 11, 2019 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beavercreek, Ohio

PRESENTATION

- ◆ Beavercreek High School Girls' Cross Country and Girls' Soccer Teams

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Litteral
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 19-___ Additional Appropriations
 - B. Resolution 19-___ Entertainment District
- VII. DECISION ITEMS
 - A. Acceptance of Fourth Quarter Financial Summary
- VIII. MAYOR'S REPORT
- IX. COUNCIL TIME
- X. CITY MANAGER'S REPORT
- XI. CITIZEN COMMENTS
- XII. ADJOURMENT



**AGENDA
CITY COUNCIL**

1368 Research Park Dr
Beavercreek, Ohio

**Work Session – Tuesday, February 19, 2019 5:00 p.m.
Council Chambers**

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. Cemetery Master Plan
 - B. Council Pay
 - C. Regional Emergency Response Term (RERT)
 - D. Miss Beavercreek
 - E. Greene County Grant
- V. COUNCIL COMMITTEE/EVENT UPDATES
- VI. ADJOURNMENT

DRAFT

PLANNING DEPARTMENT STATUS REPORT

January 22, 2019

CITY COUNCIL

January 28, 2019

-

February 11, 2019

-

Tabled / Delayed / Pending

-

PLANNING COMMISSION

February 6, 2019

- PUD 06-6 SSP #3, NOAH'S Event Venue, public hearing
- PUD 06-6 CU 1/19, NOAH's Event Venue, public hearing
- S-19-1, Mission Point, Sec. 2

Commercial Permits Submitted and Under Review

-
-

BOARD OF ZONING APPEALS

February 13, 2019

-

Currently Tabled or Delayed

-
-